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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

- - - - -X  
UNITED STATES OF AMERICA 18-CR-6094(G)  
  
vs.  
CARLOS JAVIER FIGUEROA, Rochester, New York  
Defendant. April 30, 2021  
8:30 a.m.  
- - - - -X

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE FRANK P. GERACI, JR.  
UNITED STATES DISTRICT CHIEF JUDGE

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United States Attorney  
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**I N D E X****WITNESS FOR THE GOVERNMENT**

Joseph Briganti

Direct examination by Mr. Marangola

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P R O C E E D I N G S

\* \* \*

(WHEREUPON, the defendant is present).

**THE COURT:** Good morning.

**MR. MARANGOLA:** Good morning.

**MS. KOCHER:** Good morning.

**MR. VACCA:** Good morning, Judge.

**THE COURT:** Before we begin a couple housekeeping matters. First of all, a couple jurors do have some appointments that we want to obviously provide them with consideration for.

One of the jurors has an appointment at 9 a.m. on May 6th. If that's the case, I think we might be able to start by 10 a.m., but I'm going to have Ms. Rand check to see if that time works for her. So it would be we'd start at 10 a.m. on May 6th if that works.

The second juror has an appointment in the afternoon of August 11th. I'm hoping we're not going to be here, but in case we are, we would go 8:30 to 12:30 that day. Okay?

Third thing is there's a lawsuit filed by the defendant Carlos Javier Figueroa against a number of individuals, including Ms. Kocher and Mr. Marangola, the witness Mr. Briganti, Agent Hoffmann, the U.S. Attorney James Kennedy, the Monroe County District Attorney Sandra Dorley and

1 David Swain, a retired investigator.

2 I don't think that has any impact on this case. I  
3 wanted to make the parties aware of that. One thing it does  
4 appears to be noted in here is that it's signed by a  
09:02:13AM 5 Christopher Thurston.

6 And, Mr. Vacca, you asked me to add that name to  
7 the witness list. Is that the same person, do you know?

8 **MR. VACCA:** I would assume, Your Honor, I know  
9 nothing about this lawsuit.

09:02:24AM 10 **THE COURT:** Okay. I don't even know if anybody has  
11 been served.

12 **MR. VACCA:** I think that Christopher Thurston is a  
13 paralegal. I spoke to him. He's a paralegal and he indicated  
14 that he could not help on the case because he's going in for  
09:02:39AM 15 back surgery. That's what he told me.

16 **THE COURT:** Is he on the witness list or not on the  
17 witness list?

18 **MR. VACCA:** He's coming here today, so I guess he  
19 still is on the list.

09:02:48AM 20 **THE COURT:** If he's on the witness list he cannot be  
21 coming in here today. He'll be sequestered.

22 **MR. VACCA:** Okay, yeah.

23 **MR. MARANGOLA:** Judge, I believe he was in court  
24 yesterday I believe we found out.

09:02:57AM 25 **THE COURT:** I didn't know that.

1                   **MR. MARANGOLA:** We didn't know until afterward.

2                   **MR. VACCA:** I didn't know until after I walked out  
3 there.

4                   **THE COURT:** If Christopher Thurston is on the  
09:03:06AM 5 witness list, then he is like any other witness to be  
6 sequestered from the course of this trial.

7                   **MR. MARANGOLA:** Judge, I haven't seen a copy of the  
8 lawsuit, but I agree with the Court, it should have no bearing  
9 on us proceeding with the trial.

09:03:22AM 10                   **THE COURT:** Mr. Vacca, do you have anything to add  
11 on that?

12                   **MR. VACCA:** No, Your Honor, other than this is the  
13 first I'm hearing of it.

14                   **THE COURT:** Okay. All right, thank you, bring the  
09:03:35AM 15 jury out.

16                   **MR. VACCA:** Thank you, Judge.

17                   (WHEREUPON, the jury is present).

18                   **THE COURT:** Good morning, ladies and gentlemen. We  
19 have a couple adjustments to the calendar I want to make.  
09:09:02AM 20 First of all, for next Thursday, May 6th, again to accommodate  
21 a juror's appointment we will begin at 10 a.m. that day. So  
22 we'll be in session from 10 a.m. until 1:30 p.m..

23                   I previously made the adjustment on May 25th, we'll  
24 be in session from 8:30 until 12 p.m..

09:09:29AM 25                   Another adjustment will be -- and I hope we're not

1 here then, but August 11th we'll be in session on that date  
2 from 8:30 until noon. 8:30 a.m. until 12 o'clock on  
3 August 11th if we're still in session then.

4 One other date I really meant to take off the  
09:09:53AM 5 calendar, should have before, is May 28th, the Friday before  
6 Memorial Day, we will not be in session on that day as well.

7 Okay? We're ready to begin. You may continue,  
8 Mr. Marangola.

9 **MR. MARANGOLA:** Thank you, Your Honor.

09:10:08AM 10 **BY MR. MARANGOLA:**

11 Q. Good morning.

12 A. Good morning.

13 Q. Good morning, Investigator. Would you please take a look  
14 at your screen? I'd like to show you what's not yet in

09:10:20AM 15 evidence as Government's Exhibit 10. Do you see that on your  
16 screen?

17 A. Yes, I do.

18 Q. Can you identify what Government's Exhibit 10 is?

19 A. Yes, it's a telephone list of phones connected to this  
09:10:41AM 20 investigation.

21 Q. All right. Is that a chart with three columns -- one  
22 phone number, one user, and then one exhibit number?

23 A. Yes.

24 Q. Are the phone numbers that are on that chart, were those  
09:10:56AM 25 phone numbers that were either intercepted on the wiretap or

1 obtained in phones seized in connection with this wiretap  
2 investigation?

3 A. Yes.

4 Q. And are the users that are associated with those numbers  
09:11:09AM 5 accurately listed based on your wiretap investigation?

6 A. Yes, they are.

7 Q. And there's a column next to the third column is exhibit  
8 number; is that right?

9 A. Yes.

09:11:27AM 10 Q. And those are for phones that were actually seized during  
11 the wiretap investigation; is that correct?

12 A. Yes.

13 Q. All right. Not all the phones listed on Government's 10  
14 were, in fact, seized?

09:11:39AM 15 A. That's correct.

16 Q. And, finally, there's asterisks next to some of the  
17 numbers and on the bottom of the chart it indicates wiretap  
18 phone. Are the numbers with asterisks accurately listed as  
19 phones that were subject to the wiretap authorizations you  
09:11:53AM 20 received in connection with this case?

21 A. Yes.

22 Q. And for the record, the top three in the center of user  
23 column, the user for the first three numbers is blacked out;  
24 is that correct?

09:12:08AM 25 A. Yes.

1 Q. All right.

2 **MR. MARANGOLA:** Your Honor, at this time I would  
3 offer Government's Exhibit 10.

4 **MR. VACCA:** I would object to that, Your Honor.

09:12:14AM 5 This has no relevancy at this point -- up to this point with  
6 respect to my client.

7 **THE COURT:** Okay. Exhibit 10 will be received again  
8 subject to connection.

9 **MR. MARANGOLA:** Thank you, Your Honor.

09:12:25AM 10 (**WHEREUPON**, Government's Exhibit 10 was received  
11 into evidence).

12 **BY MR. MARANGOLA:**

13 Q. All right. Investigator, we were -- when we finished  
14 yesterday we were talking about surveillance on January 19th,  
09:12:43AM 15 2018. Do you recall that?

16 A. Yes, I do.

17 Q. All right. If we could, I think we ended last with the  
18 pole camera footage from approximately 12:10 in the afternoon  
19 that day. If we could pull that up?

09:13:10AM 20 If we could start that about halfway through? This  
21 is the footage that you watched yesterday. Do you recall  
22 that?

23 A. Yes.

24 Q. If you can take a note of the time that this clip ends  
09:14:07AM 25 after the defendant has pulled out of the driveway at



1 59 Fernwood Avenue. Did you see the approximate time that  
2 ended?

3 A. Yes. 12:13 and 40 seconds p.m..

4 Q. All right. Now, at the time this is being observed on the  
09:15:04AM 5 pole camera monitors in the wire room, are you also able to  
6 observe the activities that at other locations where the pole  
7 cameras are set up?

8 A. Yes. The system has the ability to change the tiles. So,  
9 for example, if there's five cameras, you can put five tiles  
09:15:22AM 10 up and watch five different locations; or you can change that  
11 and watch one location on each -- you can just change it for  
12 the amount of cameras that you have up to be able to view them  
13 all or be able to view one at a time.

14 Q. All right. If we could play the clip from that same day  
09:15:41AM 15 January 19th at 12:25? Do you recognize the location in this  
16 clip?

17 A. Yes. It's 292 Barrington Street.

18 Q. Can you tell us what just occurred there?

19 A. Yes. The GMC pick-up just pulled into the driveway and  
09:16:06AM 20 parked behind the Acura TL.

21 Q. And this was approximately ten minutes after the prior  
22 clip ended?

23 A. Yes. It looks like approximately 13 minutes after.

24 Q. Did you see anything there?

09:18:05AM 25 A. Yes. It appears Carlos Javier Figueroa exited the

1 driver's side of the vehicle and is approaching 292 Barrington  
2 Street, appears he's on the porch of 292 Barrington Street.

3 It appears --

4 Q. Then what happened?

09:18:33AM 5 A. Appears he just entered into the location.

6 Q. All right. Now, can you point to who we just saw in those  
7 two pole camera footage clips at 12:10 and 12:25 on January  
8 19th in Government's Exhibit 26?

9 A. Yes. The individual at the top.

09:19:23AM 10 Q. All right. And the last clip we saw the defendant walked  
11 into 292 Barrington Street; is that correct?

12 A. Yes.

13 Q. And 292 Barrington Street was the residence of who during  
14 the wiretap investigation?

09:19:38AM 15 A. Leitscha Poncedeleon and Roberto Figueroa.

16 Q. And where are they on Government's Exhibit 26?

17 A. They're the line below him. This is Leitscha Poncedeleon  
18 to the left, and this is Roberto Figueroa to the right of her.

19 Q. You made circles on the second row; is that correct?

09:20:00AM 20 A. Yes.

21 Q. All right. If we can go now back to the pole camera  
22 footage for 12:30 on that same day January 19th? Let me pause  
23 it there. Investigator, during your -- the investigation --  
24 in the course of your surveillance activities, both in person  
09:20:36AM 25 and watching pole camera footage, did you become familiar with

1 the appearances of Roberto Figueroa and Leitscha Poncedeleon?

2 A. Yes.

3 Q. Can you tell the jury approximately how many times you saw  
4 Roberto Figueroa and Leitscha Poncedeleon in the course in  
09:20:53AM 5 person surveillance? We'll start there.

6 **MR. VACCA:** Object, Your Honor, this is repetitive.  
7 We went through this yesterday, the same questions.

8 **THE COURT:** No, overruled. Go ahead.

9 **THE WITNESS:** So I've seen Roberto Figueroa I would  
09:21:08AM 10 say at least 25 times in live surveillance; over the pole  
11 camera I'm certain I've seen him at least 50 times on the pole  
12 camera.

13 **BY MR. MARANGOLA:**

14 Q. All right. How about Leitscha Poncedeleon?

09:21:21AM 15 A. Leitscha probably between 15 and 20 times live; and then  
16 again at least 50 times on the pole camera footage.

17 Q. Based on those observations are you familiar with the  
18 general size and shape of Roberto Figueroa and  
19 Ms. Poncedeleon?

09:21:41AM 20 A. Yes.

21 Q. All right. Can you tell the jury in this clip here that  
22 we have paused on January 19th, 2018, at 292 Barrington Street  
23 who is shown in that clip at 12:30 and 40 seconds?

24 **MR. VACCA:** Objection, Your Honor, repetitive. We  
09:21:57AM 25 did this yesterday.

1                   **THE COURT:** I don't believe so. Overruled.

2                   **THE WITNESS:** That's Roberto Figueroa.

3 **BY MR. MARANGOLA:**

4 Q. All right. Could we keep going? Thank you. What do you  
09:22:30AM 5 see Roberto Figueroa doing?

6 A. He's retrieving something from the back of the GMC and  
7 it's the U.S. Postal box that was placed in the back.

8 Q. What's he doing with it?

9                   **MR. VACCA:** Objection, Your Honor.

09:22:44AM 10                   **THE COURT:** Overruled.

11                   **MR. VACCA:** We don't know it's the same box.

12                   **THE COURT:** He didn't say it was the same box. He  
13 said it was a Postal box. Overruled.

14 **BY MR. MARANGOLA:**

09:22:56AM 15 Q. What did Roberto Figueroa just do with the box that he  
16 retrieved from the silver GMC pick-up truck?

17 A. He walked in the front door of 292 Barrington Street  
18 carrying the box.

19 Q. All right. Now, we talked about intercepted calls  
09:23:18AM 20 yesterday on January 19th -- I'm sorry, intercepted text  
21 messages with respect to tracking numbers for packages that  
22 were to be delivered on January 19th and January 20th. Do you  
23 remember those?

24 A. Yes.

09:23:29AM 25 Q. And we just viewed footage from January 19th, 2018. Was

1 there surveillance activities also on January 20th, 2018,  
2 based on those text messages that we showed the jury  
3 yesterday?

4 A. Yes.

09:23:48AM 5 Q. All right. What -- can you describe what type of  
6 surveillance was conducted on January 20th?

7 A. Again, there was both live surveillance and pole camera  
8 surveillance.

9 Q. All right. I'd like to show you what is not in evidence  
09:24:06AM 10 as Government's 105. Do you recognize what's shown in  
11 Government's Exhibit 105?

12 A. Yes.

13 Q. Can you describe what's shown in Government's Exhibit 105?

14 A. Yes. It's an aerial view of the apartments at William  
09:24:38AM 15 Warfield Drive.

16 Q. All right. Is that a location in the City of Rochester?

17 A. Yes, it is.

18 Q. Are you familiar with the area shown in the aerial photo  
19 marked Government's Exhibit 105?

09:24:50AM 20 A. Yes.

21 Q. How are you familiar with it?

22 A. I've conducted several investigations in this general  
23 area. I've been in this area numerous times.

24 Q. All right. In the course of your career as a police  
09:25:03AM 25 officer?

1 A. Yes.

2 Q. This aerial photo also shows listed Joseph Avenue and  
3 Upper Falls Boulevard in addition to William Warfield Drive;  
4 is that right?

09:25:12AM 5 A. Yes, sir.

6 Q. Are the streets that are labeled on this aerial photograph  
7 accurately labeled based on your familiarity with the area?

8 A. Yes.

9 Q. And then there's one location marked 99. Do you see that?

09:25:24AM 10 A. Yes, I do.

11 Q. Do you know what that designates?

12 A. Yes. That's the address at 99 William Warfield Drive.

13 Q. All right. Is that an apartment building?

14 A. Yes.

09:25:36AM 15 Q. And does the 99 accurately reflect the location of the  
16 apartment building at 99 William Warfield Drive based on your  
17 familiarity with the area?

18 A. Yes, it does.

19 **MR. MARANGOLA:** At this time I'd offer Government's  
09:25:47AM 20 105.

21 **MR. VACCA:** Objection, Your Honor, grounds of  
22 relevancy.

23 **THE COURT:** Overruled. Exhibit 105 will be  
24 received.

09:25:53AM 25 (**WHEREUPON**, Government's Exhibit 105 was received

1 into evidence).

2 **BY MR. MARANGOLA:**

3 Q. Investigator, is what's shown in Government's 105 part of  
4 the area that you conducted surveillance activities on January  
09:26:10AM 5 20th, 2018?

6 A. Yes, they were.

7 Q. All right. Now, you indicated I think there was both pole  
8 camera surveillance and live surveillance on the 20th?

9 A. Yes.

09:26:24AM 10 Q. All right. What was -- what type of surveillance did you  
11 personally conduct on January 20th?

12 A. I was involved in the live surveillance on that day.

13 Q. All right. Nonetheless, have you reviewed the footage of  
14 the pole camera surveillance that was conducted while you were  
09:26:40AM 15 on the street?

16 A. Yes, I did.

17 Q. All right. When you say live, you're talking about in  
18 person surveillance?

19 A. Yes.

09:26:48AM 20 Q. Like physically being in a car and driving around?

21 A. Yes.

22 Q. Okay. Can you tell the jury about the surveillance  
23 activities that were conducted on January 20th, 2018?

24 A. Yes. So I asked officers to assist me with live  
09:27:10AM 25 surveillance again at 59 Fernwood Avenue. So we went into the

1 area of 59 Fernwood Avenue while other officers were viewing  
2 the pole camera footage.

3 Q. Was there a particular time that you went to the area of  
4 59 Fernwood Avenue on January 20th, 2018?

09:27:31AM 5 A. Yes. I believe we arrived in the area sometime around 11  
6 a.m. in the morning.

7 Q. And why that particular time did you go to the area of 59  
8 Fernwood Avenue that day?

9 A. Because we knew that the Postal delivery truck would be  
09:27:42AM 10 dropping off a package sometime between 11 and 11:30 a.m. to  
11 59 Fernwood Avenue.

12 Q. All right. And did you after -- so you and a couple of  
13 other officers, a team of officers went out to the area of 59  
14 Fernwood Avenue?

09:28:01AM 15 A. Yes.

16 Q. Did you park right next to 59 Fernwood Avenue?

17 A. No.

18 Q. Did you park across the street from 59 Fernwood Avenue?

19 A. No.

09:28:07AM 20 Q. Why not?

21 A. Well, two reasons. One is because we had a pole camera to  
22 be able to capture any events that happened at 59 Fernwood.  
23 And, number two, we didn't want anyone to see us sitting  
24 there, so we were on side streets.

09:28:25AM 25 Q. Now, while you were on side streets in the area of



1 Fernwood Avenue were you in communication with both -- other  
2 surveillance officers in the Fernwood Avenue area?

3 A. Yes.

4 Q. What about individuals watching the pole camera footage  
09:28:40AM 5 back in the monitor rooms in the Rochester Police Department?

6 A. Yes, we were all speaking on the same police channel.

7 Q. All right. Can you explain the purpose of that?

8 A. So that we can communicate between the two of us the  
9 activities that are happening and they can relay to us what's  
09:29:00AM 10 happening at the location and then we can perform our  
11 surveillance operations from that point.

12 Q. When you say they can relay to us, who are you referring  
13 to as the --

14 A. I'm sorry, the law enforcement that's actually watching  
09:29:13AM 15 the pole camera footage from the wire room. In this  
16 particular case it was ATF Special Agent Patrick Hoffmann.

17 Q. Okay. Can we play the footage for January 20th at 11:22?  
18 What did we see here so far?

19 A. So the U.S. Postal truck just parked along the curb in  
09:30:29AM 20 front of 59 Fernwood Avenue.

21 Q. Can you tell us what are you seeing?

22 A. Yes. The Postal carrier is taking a package from his  
23 truck up towards the front of 59 Fernwood Avenue on a cart and  
24 bringing it up on to the porch of 59 Fernwood Avenue.

09:32:50AM 25 Q. What's happening now?

1 A. He's going back to his truck, the Postal carrier is going  
2 back to his truck.

3 Q. Without the package?

4 A. Correct. Appears he left the package on the porch.

09:33:21AM 5 Q. All right. I'd like you to take a look at the time that  
6 this clip ends here. Did you see that?

7 A. Yes. 11:26 and 8 seconds a.m.

8 Q. Now, were there any calls intercepted over the wiretap  
9 after this Postal delivery?

09:33:42AM 10 A. Yes.

11 Q. Investigator Briganti, I'd like you to pull out  
12 Government's Exhibit 1, the wiretap binder, and flip to tab  
13 1-92. Do you see that?

14 A. Not yet.

09:34:17AM 15 Q. Okay.

16 A. Okay.

17 Q. All right. Does the -- does the transcript behind tab  
18 1-92 -- 1-92-350 reflect a call that was intercepted over the  
19 wiretap?

09:34:50AM 20 A. Yes.

21 Q. Are your initials next to the call data at the top of that  
22 indicating that they're accurate?

23 A. Yes.

24 Q. Can you tell us the date and time of that call?

09:35:00AM 25 A. Yes, it was January 20th of 2018 at 11:26:31.

1 Q. 11:26 and 31 seconds?

2 A. Yes.

3 Q. A.m.?

4 A. Yes.

09:35:10AM 5 Q. That's approximately how long after the end of the pole  
6 camera clip we just saw?

7 A. Approximately 20 seconds.

8 Q. Can you tell the jury what's the target telephone number  
9 that this call was intercepted over?

09:35:37AM 10 A. 585-766-8057.

11 Q. And is this an incoming or outgoing call?

12 A. It's an incoming call.

13 Q. To that target telephone number you just mentioned?

14 A. Yes.

09:35:53AM 15 Q. And what's the number that called in to the target  
16 telephone number 766-8057?

17 A. 585-351-3834.

18 Q. All right. I'd like you to look on your screen -- if we  
19 could put -- you see Government's 10 on your screen?

09:36:24AM 20 A. Yes, I do. Now I don't.

21 Q. It's coming back. We're getting it back. Is that it on  
22 now?

23 A. It is, yes.

24 Q. Okay. Is the target telephone number listed on

09:36:41AM 25 Government's Exhibit 10?

1 A. Yes, it is.

2 Q. Where is it listed?

3 A. It's in black five from the bottom.

4 Q. No, is the target telephone number listed?

09:36:55AM 5 A. Oh, I'm sorry. Yes, the target telephone number is  
6 listed.

7 Q. Where is it?

8 A. It's at the top of the list.

9 Q. Can you -- and what color is it in?

09:37:04AM 10 A. Red.

11 Q. Which number in the list is it?

12 A. It's the first line -- 766-8057 is the first line.

13 Q. Okay. And do you see -- if you can clear that? Do you see  
14 the number that dialed in to 766-8057 during that call on

09:37:30AM 15 January 20th at 11:26 and 31 seconds?

16 A. Yes, I do.

17 Q. And can you circle that number on Government's Exhibit 10?

18 A. Yes. It's in black, it's five from the bottom.

19 Q. And whose number was that?

09:37:44AM 20 A. Ingrid Mercado.

21 Q. And that's 351-3834; is that correct?

22 A. Yes.

23 Q. All right. Now, if you could, I'd like you to flip back  
24 to the call from yesterday behind tab 1-72? It's

09:38:25AM 25 1-72-273,0,0.

1 A. Okay.

2 Q. Is that the call that you identified yesterday in  
3 connection with the surveillance on January 19th?

4 A. Yes.

09:38:36AM 5 Q. Can you tell the jury are the -- is the target telephone  
6 number for this call the same or different than the target  
7 telephone number we just looked at behind tab 1-92-350?

8 A. It's the same number.

9 Q. And how about the call -- the number that called into the  
09:38:58AM 10 target telephone number?

11 A. Again it's the same number.

12 Q. And that's 351-3834?

13 A. Yes.

14 Q. Used by Ingrid Mercado?

09:39:07AM 15 A. Yes.

16 Q. All right. If we can now go to pole camera footage back  
17 to the 20th -- where we were on January 20th? And go to the  
18 next clip I think at 12:01. And what location is this  
19 showing, Investigator Briganti, at 12:01?

09:39:43AM 20 A. It's 292 Barrington Street.

21 Q. Can you identify the individuals who just exited 292  
22 Barrington Street at approximately 12:01?

23 A. In this clip I can tell you that Leitscha Poncedeleon is  
24 in the front.

09:40:03AM 25 Q. All right. Can we keep playing it? Can you identify the

1 people by their clothing?

2 A. Yes. It's Leitscha Poncedeleon getting in the driver's  
3 side and Roberto Figueroa getting in the passenger side of the  
4 Nissan Altima.

09:40:22AM 5 Q. And Roberto Figueroa is wearing the white tank top again  
6 with the red shorts?

7 A. Yes.

8 Q. What just happened there?

9 A. They both got into the Nissan Altima and the Nissan Altima  
09:40:42AM 10 backed out of the driveway.

11 Q. All right. That was at approximately 12:01?

12 A. Yes.

13 Q. All right. Go to the next clip. What's the start time for  
14 this clip?

09:40:53AM 15 A. 12:13 and 12 seconds.

16 Q. And this is showing what area?

17 A. 59 Fernwood Avenue.

18 Q. Can you tell us what just happened at 12:13?

19 A. Yes, the Nissan Altima just pulled into the driveway of 59  
09:41:10AM 20 Fernwood Avenue and parked behind the black Kia.

21 Q. Is that the same or different location than the defendant  
22 parked in his silver GMC the day before?

23 A. That's the same location.

24 Q. What just happened here at 12:13?

09:41:35AM 25 A. Roberto Figueroa is on the porch knocking on the front

1 door of 59 Fernwood Avenue.

2 Q. What just happened here?

3 A. He's exiting the location carrying a Postal box on his  
4 shoulder.

09:41:56AM 5 Q. Now, as he was walking from the location carrying that  
6 box, did you also see something else?

7 A. Yes. Leitscha Poncedeleon passed him going up towards 59  
8 Fernwood Avenue.

9 Q. All right. Maybe we can pull that back a little bit maybe  
09:42:18AM 10 about halfway? Can you tell us when you're watching it when  
11 you see that and we'll pause it?

12 A. Right there.

13 Q. And we just saw Leitscha Poncedeleon walking up the  
14 stairs?

09:42:39AM 15 A. Yes. She's standing -- she's standing on the stairway  
16 right now.

17 Q. Do you see what she -- was she carrying anything?

18 A. She had a black backpack on.

19 Q. All right. And that was as Roberto Figueroa was walking  
09:42:54AM 20 back from the location with the box to the car?

21 A. Yes.

22 Q. All right. What just happened there?

23 A. Roberto Figueroa is placing the box in the trunk of the  
24 Nissan Altima and he just got back in the passenger side of  
09:43:34AM 25 the Nissan Altima.

1 Q. What just happened there?

2 A. Leitscha Poncedeleon is coming from the location, she  
3 still has the black backpack and she just entered the driver's  
4 side of the Nissan Altima.

09:44:01AM 5 Q. If we can pause it here? Investigator Briganti, are you  
6 continuing your live or in person surveillance with other  
7 members of the team as this activity is occurring on January  
8 20th, 2018?

9 A. Yes.

09:44:20AM 10 Q. And you're already being relayed what's being observed by  
11 other individuals on these pole cameras as you're conducting  
12 that surveillance?

13 A. Yes.

14 Q. If we can keep going? What just happened there?

09:44:53AM 15 A. They just backed out of the driveway of 59 Fernwood Avenue  
16 and they're heading westbound towards Portland Avenue.

17 Q. That's at 12:15?

18 A. Yes.

19 Q. Now, did you and your surveillance team pick up that

09:45:10AM 20 Nissan Altima at some point and follow them?

21 A. Yes.

22 Q. Where did you follow them to?

23 A. 292 Barrington Street.

24 Q. If we can go to the next clip at 12:26? What's shown in

09:45:23AM 25 this location in this pole camera clip?



1 A. The Nissan Altima pulling into the driveway of 292  
2 Barrington Street.

3 Q. And that's at 12:26 p.m.?

4 A. Yes.

09:45:33AM 5 Q. Tell us what just happened there.

6 A. Roberto Figueroa just exited the passenger side of the  
7 vehicle.

8 Q. What's he doing now?

9 A. He's removing the Postal box from the trunk of the Nissan  
09:46:02AM 10 Altima.

11 Q. What did he do there?

12 A. He just carried the Postal box into 292 Barrington Street  
13 through the front door.

14 Q. All right. If we can pause that there? Okay, now,  
09:46:58AM 15 when -- after surveilling Leitscha Poncedeleon and Roberto  
16 Figueroa drive back to 292 Barrington Street, what did you do?

17 A. I stayed in the area of 292 Barrington Street.

18 Q. All right. And were you waiting to be relayed additional  
19 info from police officers or Agent Hoffmann in the wire room?

09:47:23AM 20 A. Yes.

21 Q. All right. What happened next in connection with your  
22 surveillance?

23 A. So I -- I understood that they were going to be leaving  
24 again very shortly, so I stayed in the area.

09:47:51AM 25 Q. All right. Can we go to the next clip at 12: -- I think

1 our next clip is actually 12:36. Actually, no, I think we  
2 need to jump back one. 12:26, let's go back to the 12:26  
3 clip. That's the one we saw them pull in?

4 A. Yes.

09:48:19AM 5 Q. Can we fast forward to the last quarter of that clip  
6 maybe? Can you tell us what's happening here at approximately  
7 12:27?

8 A. Yes, Roberto Figueroa just exited the front door of 292  
9 Barrington Street and he's entering the passenger side of the  
09:49:05AM 10 Nissan Altima.

11 Q. Now, again were you sitting in front of 292 Barrington  
12 Street?

13 A. No.

14 Q. Where were you in the area?

09:49:30AM 15 A. I was down the street. I was on Barrington Street but I  
16 was down the block a little bit.

17 Q. Okay. Can you tell us what happened there?

18 A. Yes, the vehicle just backed down the driveway.

19 Q. And then one more time. Now, after the Nissan Altima left  
09:50:10AM 20 292 Barrington Street there at approximately 12:28 or 12:29  
21 did you surveil it anywhere?

22 A. Yes.

23 Q. Where did you surveil it?

24 A. 100 Baden Street, the parking lot at 100 Baden Street.

09:50:22AM 25 Q. All right. If we can go to the clip on the same day

1 January 20th at 12:55? Can you tell us what's shown in this  
2 clip?

3 A. Yes, it's the parking lot of 100 Baden Street and the  
4 Nissan is parked and there's a red Mustang that's pulling up  
09:50:43AM 5 next to the Nissan where it's parked.

6 Q. Hold on. I clipped a clip. We saw them leave at  
7 approximately 12:29 from Barrington?

8 A. Yes.

9 Q. Can we show the 12:36 clip? This is approximately seven  
09:51:12AM 10 minutes later. It's showing the area of Baden Street; is that  
11 right?

12 A. Yes.

13 Q. Can you tell us what you just observed there?

14 A. There's two vehicles pulling into the parking lot. The  
09:51:21AM 15 first one is the Nissan Altima and it's parking in one of the  
16 parking slots up towards the building.

17 Q. That was at 12:36?

18 A. Yes.

19 Q. P.m.?

09:51:36AM 20 A. Yes.

21 Q. All right. And you followed the vehicle into the  
22 location?

23 A. Yes. We didn't follow it into the complex, but we  
24 followed it until it turned into the complex.

09:51:49AM 25 Q. Okay. Now, if we can go to the next clip at 12:55? Is

1 this the same area, the apartment complex at Baden?

2 A. Yes.

3 Q. What just happened there?

4 A. Red Mustang just pulled into the parking lot and it's  
09:52:07AM 5 pulling into a spot next where the Nissan Altima is parked.

6 Q. What do you see there?

7 A. Roberto Figueroa is actually in the passenger side of the  
8 Nissan Altima and he has a backpack in his hand.

9 Q. What just happened there?

09:52:39AM 10 A. The driver of the red Mustang, Orlando Yelder, just exited  
11 and they're both at the rear of the red Mustang.

12 Q. All right.

13 A. With the trunk open.

14 Q. And Orlando Yelder just exited the driver's side of the  
09:52:56AM 15 Mustang?

16 A. Yes.

17 Q. All right. What just happened there?

18 A. Orlando Yelder took a backpack from the trunk of the red  
19 Mustang. Roberto Figueroa still had the black backpack that  
09:53:13AM 20 he exited the Nissan with and Roberto Figueroa got into the  
21 passenger side of the Mustang and Orlando Yelder got into the  
22 driver's side of the Mustang.

23 Q. While this is occurring are you in the area with your  
24 surveillance team?

09:53:46AM 25 A. Yes.

1 Q. But, again, you're not in parking spaces right next to  
2 these guys?

3 A. No.

4 Q. At some point do you have to make a plan to decide which  
09:54:15AM 5 of these two vehicles to follow?

6 A. Yes. During this process we were doing -- I was doing  
7 that. I was communicating to officers what we needed to  
8 follow.

9 Q. What did you decide to do?

09:54:30AM 10 A. I asked a few of the officers to follow the Nissan and  
11 then the rest of us -- I wanted us to follow the red Mustang  
12 to see where Orlando Yelder went.

13 Q. All right. So you followed the red Mustang and other  
14 officers followed the Nissan Altima?

09:54:45AM 15 A. Yes.

16 Q. After this event here?

17 A. Yes.

18 Q. I would ask to fast forward it, but I know as soon as I do  
19 I'll miss what I want to see and I'll have to ask Ms. McCreedy  
09:56:47AM 20 to pull it back, so just bear with me.

21 Investigator Briganti, of the three people in this  
22 clip here -- Leitscha Poncedeleon in the Nissan Altima,  
23 Orlando Yelder and Roberto Figueroa in the Mustang -- at the  
24 time of this clip the investigative team is wiretapping all  
09:58:46AM 25 three of their phones; is that correct? On January 20th?

1 A. Yes. There's four phones.

2 Q. Four phones. When you say four phones, explain that.

3 A. There were two of Roberto Figueroa's phones, Orlando  
4 Yelder had one phone, and Leitscha Poncedeleon we were on one  
09:59:09AM 5 phone.

6 Q. Okay. When you say had one phone, you mean you were just  
7 wiretapping one phone?

8 A. Yes, we were only listening to one of the phones, yes.

9 Q. A wiretap authorization order, Investigator Briganti,  
09:59:37AM 10 authorizes you to listen to a particular phone number,  
11 correct?

12 A. Yes.

13 **MR. VACCA:** Objection.

14 **THE COURT:** Overruled. Go ahead.

09:59:45AM 15 **BY MR. MARANGOLA:**

16 Q. Does it allow you to -- does it authorize you to listen to  
17 every phone used by a person?

18 A. No.

19 Q. It's limited to just the phone number that you seek  
09:59:59AM 20 authorization for?

21 **MR. VACCA:** Objection, leading.

22 **THE COURT:** It is leading, but I'm going to overrule  
23 at this time. It's pretty fundamental. Go ahead.

24 **THE WITNESS:** Only the phone that's contained in the  
10:00:11AM 25 application for the wiretap.

1 **BY MR. MARANGOLA:**

2 Q. Okay. Can you tell us what's happening here at 1:05?

3 A. Yes. Roberto Figueroa just exited the passenger side of  
4 the red Mustang and he's talking to Orlando Yelder or someone  
10:02:41AM 5 in the car through the passenger side. He has the black  
6 backpack in his hand still and he's walking back over to the  
7 passenger side of the Nissan Altima and entering the Nissan  
8 Altima.

9 Q. And you said it appeared to be -- Roberto Figueroa  
10:03:02AM 10 appeared to be talking to someone in the Mustang.

11 Did you see anyone other than Orlando Yelder get in  
12 or out of that car besides Roberto Figueroa?

13 A. We didn't see anyone else in the vehicle, no.

14 Q. Okay. What's happening there?

10:03:30AM 15 A. The red Mustang is leaving out towards Joseph Avenue and  
16 so is the Nissan Altima.

17 Q. And what happened there?

18 A. The Nissan Altima went north on Joseph Avenue and the red  
19 Mustang went south.

10:03:52AM 20 Q. All right. Where did you follow -- you and your  
21 surveillance team follow that red Mustang being driven by  
22 Orlando Yelder after it turned onto Joseph from Baden?

23 A. We followed it out to 2519 Brighton Henrietta Townline  
24 Road.

10:04:06AM 25 Q. Let me show you what's not in evidence as Government's

1 Exhibit 100. Do you see that on your screen?

2 A. Yes, I do.

3 Q. What's shown on your screen as Government's Exhibit 100?

4 A. That's 2519 Brighton Henrietta Townline Road.

10:04:39AM 5 Q. Is that the location that you surveilled Orlando Yelder  
6 drive his Mustang back to after what we just observed on  
7 January 20th at the Baden Street complex?

8 A. Yes.

9 Q. Does the photograph Government's 100 fairly and accurately  
10 show 2519 Brighton Henrietta Townline Road as it existed that  
11 day?

12 A. Yes.

13 Q. All right.

14 **MR. MARANGOLA:** At this time I'd offer Government's  
10:05:06AM 15 100.

16 **MR. VACCA:** Objection, Your Honor, on grounds of  
17 relevancy.

18 **THE COURT:** Overruled. Exhibit 100 will be  
19 received.

10:05:12AM 20 (**WHEREUPON**, Government's Exhibit 100 was received  
21 into evidence).

22 **BY MR. MARANGOLA:**

23 Q. Now, you indicated that while your team was following  
24 Yelder to 2519 -- those are in evidence here, right, Judge?

10:05:31AM 25 **THE COURT:** 100 is in evidence.



1                   **MR. MARANGOLA:** Thank you.

2           **BY MR. MARANGOLA:**

3           Q.    While your team was following Yelder to this location  
4           here, other members followed the Nissan Altima?

10:05:40AM 5           A.    Yes.

6           Q.    All right. If we could go to the next pole camera clip?  
7           At 1:12 p.m., we can pause it here. What area are we seeing  
8           on this camera on this clip at 1:12 p.m.?

9           A.    This is Burbank Street and the first white house on the  
10:06:14AM 10          left side of the screen is 6 Burbank Street.

11          Q.    All right. Let's play it. Can you tell us what you see  
12          there?

13          A.    Yes, the Nissan Altima is pulling into the driveway of 6  
14          Burbank Street and it pulled up into the driveway.

10:06:36AM 15          Q.    That's the residence of who?

16          A.    Carlos Javier Figueroa and Nisharya Gutierrez and their  
17          children.

18          Q.    Go to the next clip at 1:20 on January 20th. This is from  
19          what area?

10:07:11AM 20          A.    6 Burbank Street or Burbank Street, and it's a photograph  
21          of 6 Burbank Street or it's in the image.

22          Q.    What do you see there?

23          A.    Seeing the Nissan Altima backing out of the driveway of 6  
24          Burbank Street onto Burbank Street.

10:07:36AM 25          Q.    And that's ending at approximately what time?

1 A. Looked like 1:20:43.

2 Q. If we can go to the next clip at 1:32 p.m.? What location  
3 is this?

4 A. 292 Barrington Street.

10:07:54AM 5 Q. What just happened there?

6 A. The Nissan Altima parked in the driveway, Roberto Figueroa  
7 is exiting the passenger side of the Nissan Altima and  
8 Leitscha Poncedeleon exited the driver's side, walked around  
9 the vehicle and are walking to the front door of 292

10:08:32AM 10 Barrington Street.

11 Q. What just happened there?

12 A. Leitscha Poncedeleon and Roberto Figueroa entered the  
13 front door of 292 Barrington Street.

14 Q. All right. We'll pause that clip there. If we can go to  
10:09:07AM 15 the next clip at 1:33, which is approximately the same time as  
16 we ended that last clip; is that right?

17 A. Yes.

18 Q. And what clip is shown here -- what area is shown here  
19 starting at 1:33?

10:09:20AM 20 A. This is the area of Burbank Street.

21 Q. Can you tell us what you see here coming down the street?  
22 Pause it there. Did you see anything occurring at the  
23 defendant's driveway at 6 Burbank at approximately 1:34?

24 A. Yes, the GMC -- the silver GMC pick-up is backing out of  
10:10:12AM 25 the driveway.

1 Q. All right. Let's keep going. Can you tell yet what's  
2 coming down Burbank Street?

3 A. Yes, it appears to be two marked patrol cars, Rochester  
4 Police Department patrol cars.

10:10:28AM 5 Q. Can you describe their speed?

6 A. Slow, they're traveling slowly down the street westbound  
7 on Burbank Street.

8 Q. That's toward which intersection?

9 A. Toward North Clinton Avenue and Burbank Street.

10:10:46AM 10 Q. What do you see happening here at approximately 1:35?

11 A. The GMC pick-up is backing out of the driveway of 6  
12 Burbank Street and headed westbound towards North Clinton  
13 Avenue on Burbank Street.

14 Q. And it comes out of view heading towards North Clinton  
10:11:39AM 15 Avenue approximately 1:35?

16 A. Yes.

17 Q. If we can go to the next clip at 1:59? What area is shown  
18 in this pole camera?

19 A. 292 Barrington Street.

10:11:57AM 20 Q. What did you just see happen at 1:59?

21 A. Silver GMC pick-up pulled on to where the grass  
22 portion of like the front lawn of 292 Barrington Street and  
23 parked.

24 Q. Parked on the snow there?

10:12:16AM 25 A. Yes.

1 Q. Did you see there what just happened with the clip? Is  
2 that one of those glitches you were referring to earlier?

3 A. Yes.

4 Q. What do you see there?

10:12:40AM 5 A. Carlos Javier Figueroa exited the driver's side of the GMC  
6 pick-up and is walking up towards the front of 292 Barrington  
7 Street. He's on the porch of 292 Barrington Street. And he  
8 just entered into the front door of 292 Barrington Street.

9 Q. All right. Now, after you surveilled Orlando Yelder drive  
10:13:22AM 10 to 2519 Brighton Henrietta Townline Road while other team  
11 members were surveilling the Nissan Altima, where did you go?

12 A. I went back into the area of Barrington Street.

13 Q. All right. And what, if anything, happened while you were  
14 conducting in person surveillance in the area of Barrington  
10:13:47AM 15 Street after returning there from following Orlando Yelder out  
16 to Brighton Henrietta Townline Road?

17 A. There were calls that were intercepted over the wiretap.

18 Q. All right. And did you make any surveillance observations  
19 while you were on surveillance in person in the area of  
10:14:10AM 20 Barrington in that timeframe in the afternoon shortly after  
21 the defendant walked into 292 Barrington Street?

22 A. I eventually followed the Nissan that left 292 Barrington  
23 Street.

24 Q. All right. And that clip that we just saw the defendant  
10:14:29AM 25 entered at approximately a little bit after -- a few minutes

1 after 2 o'clock?

2 A. Yes.

3 Q. All right. Can we go to the next clip? And this is at  
4 2:29 p.m. What location is this showing?

10:14:45AM 5 A. 292 Barrington Street.

6 Q. Can you pause it? Do you see the defendant's silver GMC  
7 pick-up?

8 A. Yes, I do.

9 Q. Does that appear to be in the same or different location  
10:14:59AM 10 than it was when we just saw him pull it in a few minutes  
11 after 2?

12 A. It appears to be in the same place.

13 Q. All right. Who did you just observe exit 292 Barrington  
14 Street?

10:15:11AM 15 A. Leitscha Poncedeleon.

16 Q. If we can play? Can you tell if she's carrying anything?

17 A. She has a backpack on, a black backpack and she's entering  
18 the driver's side of the Nissan Altima.

19 Q. And this is at approximately 2:30. What's happening?

10:15:47AM 20 A. The Nissan Altima is backing out of the driveway of 292  
21 Barrington Street.

22 Q. After that occurred did you engage in surveillance  
23 observations of the Nissan Altima after it left 292 Barrington  
24 Street at approximately 2:30?

10:16:05AM 25 A. Yes.

1 Q. Can you describe for the jury where you observed Leitscha  
2 Poncedeleon go in the Nissan Altima after she left 292  
3 Barrington Street at approximately 2:30?

4 A. Yes. So myself and Investigator Myron Moses followed the  
10:16:26AM 5 Nissan Altima from 292 Barrington Street directly to the area  
6 of William Warfield. I observed the Nissan pull into the  
7 complex at 99 William Warfield and I passed the complex on  
8 Joseph Avenue.

9 I then went back into the complex and observed the  
10:16:49AM 10 Nissan Altima parked in front of 101 to 107 -- the building of  
11 101 to 107, and observed Leitscha Poncedeleon walking down the  
12 sidewalk in front of 101 to 107 carrying the backpack.

13 Q. Can you show us -- now that we have Government's 105, the  
14 aerial photo of the William Warfield Drive apartments, can you  
10:17:17AM 15 show us where you observed Leitscha Poncedeleon?

16 A. She came in from Joseph Avenue here. Came in, the vehicle  
17 was parked here and I observed her walking down the sidewalk  
18 here.

19 Q. All right. Where did you go and where were you as you  
10:17:43AM 20 made those observations of her driving down William Warfield  
21 Drive and park it?

22 A. Well, I didn't observe her park.

23 Q. What did you observe her do?

24 A. I observed her walking. I observed her vehicle already  
10:17:57AM 25 parked and then I observed her walking on the sidewalk

1 carrying a backpack.

2 Q. And she was walking toward what location?

3 A. 99.

4 Q. All right. And after she went toward 99, what did you do?

10:18:14AM 5 A. I circled back and went back out onto Joseph Avenue.

6 Q. Okay. And what time was it that you observed her arrive  
7 approximately at the area near 99 William Warfield Drive on  
8 January 20th?

9 A. It was approximately 2:40 p.m..

10:18:35AM 10 Q. All right. So that would be about ten minutes after we  
11 observed her depart 292 Barrington Street?

12 A. Yes.

13 Q. You indicated there were calls intercepted at around this  
14 time over the wiretap; is that correct?

10:18:48AM 15 A. Yes.

16 Q. If you could flip to tab 1-100-347.

17 A. Okay.

18 Q. All right. Before we get to that call, can you tell  
19 us did there come a time where you observed Leitscha

10:19:21AM 20 Poncedeleon or her vehicle leave the area of 99 William  
21 Warfield Drive?

22 A. Yes.

23 Q. Approximately what time was that?

24 A. That was approximately 2:52 p.m..

10:19:34AM 25 Q. All right. Now, the call behind tab 1-100-347, do you see

1 that?

2 A. Yes.

3 Q. Can you tell us the date and time of that call?

4 A. Yes. It's January 20th, 2018, at 2:46:31 p.m. -- 31

10:19:55AM 5 seconds p.m..

6 Q. All right. And that time you said you saw her arrive at  
7 approximately 2:40?

8 A. Yes.

9 Q. And depart at approximately 2?

10:20:07AM 10 A. 2:52.

11 Q. Okay. And this call is right in between those two times  
12 at 2:46?

13 A. Yes.

14 Q. What's the target number listed for this call, the one at  
10:20:21AM 15 1-100-347?

16 A. 585-662-8156.

17 Q. And is it an incoming call to the target number or  
18 outgoing call?

19 A. It's an incoming call to the target number.

10:20:49AM 20 Q. All right. And the target number for this call at -- on  
21 January 20th at 2:46 p.m., do you see it listed on  
22 Government's Exhibit 10?

23 A. Yes.

24 Q. Where is it?

10:21:01AM 25 A. It's the second one from the top in red.



1 Q. Is there an asterisk next to it?

2 A. Yes.

3 Q. And what does that designate?

4 A. It designates that that was one of the telephones that was  
10:21:12AM 5 wiretapped in this case.

6 Q. Okay. All right. Let's go back to William Warfield Drive.

7 You were conducting this surveillance on January 20th you  
8 indicated with other surveillance team members; is that right?

9 A. Yes.

10:21:36AM 10 Q. All right. And who did that include that day?

11 A. At the William Warfield Drive complex it was myself and  
12 Investigator Myron Moses.

13 Q. All right. Did you follow Ms. Poncedeleon's vehicle after  
14 she left William Warfield Drive area at 2:52?

10:21:58AM 15 A. Yes.

16 Q. Can you describe for the jury where you followed her  
17 vehicle?

18 A. Yes. Followed her vehicle back to 292 Barrington Street.

19 Q. If we can show the next pole camera clip at 2:59? I'm  
10:22:23AM 20 sorry, yeah, that's right. No, that's the 2:29.

21 The time of this clip is 2:59; is that right?

22 A. Yes.

23 Q. And what area is this clip showing?

24 A. 292 Barrington Street.

10:22:40AM 25 Q. What did you just observe on the pole camera at 2:59 at

1 the Barrington pole camera?

2 A. The Nissan Altima arrived and parked in the driveway.

3 Q. Tell us what you just observed there.

4 A. Leitscha Poncedeleon just exited the driver's side of the

10:22:59AM 5 Nissan Altima and she's walking up towards the front of 292

6 Barrington Street carrying that black backpack. She just

7 entered the front door of 292 Barrington Street.

8 Q. All right. That was -- you observed her arrive there at

9 approximately 2:59?

10:23:21AM 10 A. Yes.

11 Q. How long after she had departed the 99 William Warfield

12 Drive area was that?

13 A. About seven minutes.

14 Q. All right. Did you still stay on surveillance of the area

10:23:34AM 15 of Barrington Street after Leitscha Poncedeleon arrived there?

16 A. Yes.

17 Q. If we can go to the next clip? All right, if we can pause

18 here? Do you see the start of this clip, Investigator

19 Briganti?

10:23:49AM 20 A. Yes.

21 Q. What's the time on it?

22 A. 3 o'clock and 54 seconds p.m.

23 Q. Can you tell us about how long it was since we just

24 observed Leitscha Poncedeleon enter 292 Barrington Street?

10:24:04AM 25 A. Approximately a minute.

1 Q. All right. If we can play it? What are we seeing from  
2 this clip at approximately 3:01 now at 292 Barrington Street?

3 A. Leitscha Poncedeleon exited the front door of 292  
4 Barrington Street carrying the black backpack. She's entering  
10:24:27AM 5 the driver's side of the Nissan Altima.

6 Q. Do you see the defendant's silver GMC in this paused video  
7 at 3:01?

8 A. Yes, it's still up on the grass. It's parked in the same  
9 place.

10:24:47AM 10 Q. All right. Can we play it? What just occurred there?

11 A. The Nissan Altima backed out of the driveway of 292  
12 Barrington Street.

13 Q. And that was at approximately 3:01?

14 A. Yes.

10:25:00AM 15 Q. Did you pick up surveillance of the Nissan Altima after it  
16 departed 292 Barrington Street at -- shortly after 3:01 p.m.  
17 on January 20th?

18 A. Yes.

19 Q. Where did you follow Leitscha Poncedeleon and the Nissan  
10:25:15AM 20 Altima after it left 292 Barrington Street?

21 A. We followed it directly from 292 Barrington Street back to  
22 the William Warfield Drive complex.

23 Q. All right. And now that you have Government's 105, the  
24 aerial photo of the William Warfield Drive area on your

10:25:58AM 25 screen, can you tell the jury where you followed Leitscha

1 Poncedeleon the second time you followed her to William  
2 Warfield Drive?

3 A. Again, we followed her to William Warfield Drive, I  
4 observed her turn in to William Warfield Drive from Joseph  
10:26:15AM 5 Avenue, I went past the location again. I didn't turn with  
6 her.

7 Q. When you say went past --

8 A. I continued -- I continued northbound on Joseph Avenue.

9 Q. After observing her turn left down William Warfield  
10:26:31AM 10 Drive?

11 A. Yes.

12 Q. All right. What did you next observe?

13 A. I turned around on Joseph Avenue and I came back into  
14 William Warfield Drive and went around this bend -- went  
10:26:49AM 15 around this bend.

16 Q. Yes.

17 A. And I could view her vehicle parked in the same location  
18 as the previous time I observed it parked in the same  
19 location.

10:27:00AM 20 Q. All right. And can you circle the area where you observed  
21 her vehicle parked?

22 A. It was right here in this area here.

23 Q. All right.

24 **THE COURT:** When the witness says this bend, he's  
10:27:12AM 25 talking about a bend in the road at the left -- upper left

1 portion of the photograph.

2 **MR. MARANGOLA:** Thank you, Your Honor.

3 **BY MR. MARANGOLA:**

4 Q. That bend in the road, that's part of William Warfield  
10:27:24AM 5 Drive; is that right?

6 A. Yes.

7 Q. Can you explain, Investigator Briganti -- well, first of  
8 all, you see all the green trees in this photograph?

9 A. Yes.

10:27:35AM 10 Q. Were the trees that thick and lush in January of 2018 when  
11 you followed Ms. Poncedeleon?

12 A. No. It was winter.

13 Q. Okay. So they weren't obstructing your view of where she  
14 and her vehicle were going?

10:27:51AM 15 A. No, I could see her vehicle.

16 Q. All right. After you rounded that curve there observing  
17 her vehicle parked in the area, where did you go?

18 A. I went to the circular area and then I went back out onto  
19 Joseph Avenue. So I went -- I continued to the circular area  
10:28:15AM 20 and then I followed the same route that I came into William  
21 Warfield Drive back out to Joseph Avenue.

22 Q. All right. Approximately what time was it that you saw  
23 Ms. Poncedeleon's vehicle parked in that same area near 99  
24 William Warfield Drive the second time?

10:28:33AM 25 A. It was approximately 3:10 p.m.

1 Q. And what happened next?

2 A. At 3:15 p.m. I observed her vehicle come back out onto  
3 Joseph Avenue and leave the location.

4 Q. All right. And did you continue to follow her after she  
10:28:57AM 5 left the William Warfield Drive area and turn down Joseph  
6 Avenue?

7 A. Yes.

8 Q. Where did you follow her?

9 A. To 292 Barrington Street.

10:29:05AM 10 Q. Approximately what time was it that she left the William  
11 Warfield Drive area?

12 A. It was approximately 3:15 p.m.

13 Q. Now, I've asked you some of the times here that you made  
14 these observations back on January 20th, 2018. Did you take  
10:29:27AM 15 notes or make any -- memorialize these times of these

16 observations on this day?

17 A. There were notes made on surveillance log sheets, yes.

18 Q. Okay. And you reviewed those obviously before testifying?

19 A. Yes, I did.

10:29:45AM 20 Q. Okay. At 3:15 then you followed Leitscha Poncedeleon out  
21 of the William Warfield Drive back to where?

22 A. 292 Barrington Street.

23 Q. All right. And if we could show the next pole camera clip  
24 at 3:25? Or 3:26? This is approximately 11 minutes later; is  
10:30:11AM 25 that right?

1 A. Yes.

2 Q. What location is this showing?

3 A. 292 Barrington Street.

4 Q. What did we just observe at 3:26?

10:30:18AM 5 A. The Nissan Altima parked in the driveway.

6 Q. Do we observe it pull into the driveway?

7 A. It arrived and parked in the driveway.

8 Q. Tell us what you see there.

9 A. Yes, Leitscha Poncedeleon exited the driver's side  
10 carrying the black backpack and she's walking up towards the  
11 front door of 292 Barrington Street. She just entered the  
12 front door of 292 Barrington Street.

13 Q. All right. And the last thing I'm going to ask you to do  
14 with respect to this, Investigator Briganti, is flip to the  
10:31:02AM 15 exhibit binder marked and find that hard copy of the aerial  
16 photo of William Warfield.

17 I'm going to ask you to write down the date and  
18 those times you observed Leitscha Poncedeleon in that area.

19 **THE COURT:** What exhibit number is that?

10:31:25AM 20 **MR. MARANGOLA:** It's 105, I believe. Yes.

21 **BY MR. MARANGOLA:**

22 Q. So please write down those surveillance observations that  
23 were made of Leitscha Poncedeleon. You can write at the -- as  
24 you're looking at the aerial photo on the bottom right, write  
10:32:07AM 25 the date you made those observations. If you need to take it

1 out, go ahead and take it out of the binder.

2 The date and then the times of the arrival and  
3 departure and then after that put your initials and then just  
4 let us know what you've written on Government's 105.

10:32:52AM 5 A. Okay, so I placed at the bottom of the page January 20th,  
6 2018, 2:40 p.m.-2:50 p.m.; 3:10 p.m.-3:15 p.m.; and then I  
7 placed my initials under that.

8 Q. What do those -- so we're clear, what do those times  
9 represent?

10:33:18AM 10 A. Those are the times that I observed Leitscha Poncedeleon  
11 arrive and leave William Warfield Drive.

12 Q. Okay. All right. Thank you, Investigator.

13 **THE COURT:** I think it's a good time for a recess.

14 Ladies and gentlemen, we'll take a recess approximately 20  
10:33:34AM 15 minutes. In the meantime, I'd ask you not discuss the matter  
16 or allow anybody to discuss the matter with you. The jury may  
17 step down.

18 (**WHEREUPON**, the jury was excused).

19 **MR. MARANGOLA:** Judge, may Investigator Briganti  
10:34:24AM 20 step down?

21 **THE COURT:** Yes.

22 **MR. MARANGOLA:** Thank you.

23 (**WHEREUPON**, there was a pause in the proceeding.)

24 (**WHEREUPON**, the defendant is present).

10:59:51AM 25 **THE COURT:** Bring the jury out.



1 (WHEREUPON, the jury is present).

2 THE COURT: You may proceed.

3 MR. MARANGOLA: Thank you, Your Honor.

4 BY MR. MARANGOLA:

11:20:07AM 5 Q. Investigator Briganti, we showed a number of pole camera  
6 clips at 292 Barrington Street?

7 A. Yes.

8 Q. During the course of your investigation obviously you  
9 became very familiar with that location?

11:20:23AM 10 A. Yes.

11 Q. All right. If we could show the pole camera clip again  
12 off of Government's Exhibit 22 for January 20th at 1:59? Now,  
13 if we could pause it there? You saw the defendant's silver  
14 GMC pick-up pull up on the snow next to the driveway; is that  
11:20:47AM 15 right?

16 A. Yes.

17 Q. Can you tell the jury are you familiar with the length of  
18 the driveway at 292 Barrington Street based on your  
19 observations of it during the investigation?

11:21:01AM 20 A. Well, I can't tell you how long it is, but I can tell you  
21 that I've observed three vehicles parked in that driveway on  
22 several occasions.

23 Q. All right. And specifically what three vehicles had you  
24 observed parked in that vehicle on multiple occasions?

11:21:16AM 25 A. Well, it was always the Acura TL, the Nissan Altima, and

1 then the third vehicle was always a different vehicle, but at  
2 times it was Javi's GMC pick-up.

3 Q. All right. The same pick-up that's shown on the snow  
4 here?

11:21:37AM 5 A. Yes.

6 Q. So on the occasions that you saw that silver GMC pick-up  
7 as the third vehicle parked at 292 Barrington Street, there  
8 were occasions where it was parked in the driveway and not on  
9 the snow?

11:21:51AM 10 A. Yes.

11 Q. In other words, it could fit in the -- all three of those  
12 vehicles could fit on the driveway?

13 A. Yes, the back end of it was towards the sidewalk but it  
14 was -- it would fit, yes.

11:22:06AM 15 Q. Okay. Was there another vehicle behind the Nissan Altima  
16 in this -- in the driveway of 292 Barrington Street at the  
17 time Javi's truck pulled in at 2 o'clock on January 20th,  
18 2018?

19 A. No.

11:22:23AM 20 Q. All right. And then if we could go to the clip at 3:25  
21 approximately an hour and 26 minutes later. That was a clip  
22 you testified earlier that Leitscha Poncedeleon arrived in the  
23 Nissan Altima; is that right?

24 A. Yes.

11:22:42AM 25 Q. And between the clip that we first saw at 1:59 when the

1 defendant's truck pulled in and this clip here at 3:26, does  
2 this truck appear to be in the same or different position?

3 A. It appears to be in the same position.

4 Q. All right. Thank you. All right, let's move on from

11:23:11AM 5 January 20th. During the course of the investigation in  
6 addition to the wiretaps and the earlier part of the  
7 investigation that you testified about with the buys and the  
8 initial search warrants, did you conduct or use any other  
9 investigative techniques to obtain evidence in the case?

11:23:34AM 10 A. Yes.

11 Q. What additional investigative techniques did you employ?

12 A. We did a trash pull at 292 Barrington Street.

13 Q. And when was that?

14 A. That was on the 25th -- January 25th of 2018.

11:23:53AM 15 Q. So that would be five days after the events that you just  
16 testified about earlier this morning?

17 A. Yes.

18 Q. Can you tell the jury what is a trash pull and why would  
19 you do that?

11:24:08AM 20 A. Well, trash pull is exactly that. When they take the  
21 garbage can to the curb, we go and take their garbage. Then  
22 we look through their garbage to see -- we do that to see if  
23 there's anything related to criminal activity, drug-related  
24 activity in the garbage.

11:24:32AM 25 Q. So you removed garbage bags from a garbage container?

1 A. Yes.

2 Q. And searched through it?

3 A. Yes. We removed the garbage bags from the container  
4 overnight and then took them back to the Public Safety

11:24:50AM 5 Building and tore them up and looked at the contents of the  
6 bags.

7 Q. Sounds like a pretty grizzly job.

8 A. It's fantastic.

9 Q. Can you tell us what, if anything, occurred when you  
11:25:06AM 10 conducted the trash pull at 292 Barrington Street on January  
11 25th, 2018?

12 A. In the overnight hours of January 25th my partner David  
13 Swain and I observed that the trash bin for 292 Barrington  
14 Street had been placed out at the curb. I went in and took  
11:25:30AM 15 the bags out of the garbage bin, I placed them in my car and  
16 then drove to the Public Safety Building where Investigator  
17 Swain and I searched through the bags.

18 Q. All right. Can you describe some of the items that you  
19 observed when you went through the garbage bags that you had  
11:25:50AM 20 collected from 292 Barrington Street?

21 A. Yes. There were three Postal labels that were in the bag  
22 along with Postal tracking stickers. There was also some  
23 bubble wrap, some other items.

24 Q. All right. At this time I'd ask you to -- if we could  
11:26:14AM 25 put up Government's -- which is not in evidence, Government's

1 367? I'd ask you to take a look at that. And then 368. And  
2 then 369. And, finally, 370.

3 Did you recognize what was shown in Government's  
4 367 through 370?

11:27:01AM 5 A. Yes. Those were the labels that we removed from the trash  
6 at 292 Barrington Street.

7 Q. All right. And with respect to those labels were they  
8 placed on pieces of paper and then photographs taken of them?

9 A. Yes.

11:27:14AM 10 Q. And is that what's contained in Government's 367 to 370  
11 that you just looked at?

12 A. Yes.

13 Q. Do Government's Exhibits 367 through 370 fairly and  
14 accurately show the labels that you retrieved from the trash

11:27:32AM 15 at 292 Barrington Street on January 25th, 2018?

16 A. Yes, they do.

17 **MR. MARANGOLA:** At this time I'd offer Government's  
18 367 to 370.

19 **MR. VACCA:** *Voir dire*, Your Honor?

11:27:42AM 20 **THE COURT:** Sure.

21 **MR. VACCA:** Thank you. Sir, when you look at this  
22 exhibit it says 100.20.

23 **THE COURT:** Which exhibit?

24 **MR. VACCA:** Is that correct, sir?

11:27:58AM 25 **THE COURT:** Which exhibit?

1                   **MR. VACCA:** 370.

2                   **THE COURT:** Thank you.

3                   **THE WITNESS:** I'm sorry, I didn't hear the question,  
4 sir.

11:28:04AM 5                   **MR. VACCA:** Investigator, it indicates \$100.20; is  
6 that correct?

7                   **THE WITNESS:** Yes.

8                   **MR. VACCA:** Is there any date on this document?

9                   **THE WITNESS:** Yes, there is.

11:28:15AM 10                   **MR. VACCA:** Where is it?

11                   **THE WITNESS:** It's in the middle, delivery date.

12                   **MR. VACCA:** Right. Kind of blurry?

13                   **THE WITNESS:** 1/23 of 2018.

14                   **MR. VACCA:** What date is on it?

11:28:26AM 15                   **THE WITNESS:** It's in the middle here, delivery date  
16 1/23/2018. It's underneath where it says priority mail 3-day.

17                   **MR. VACCA:** Right. And, Investigator, does it  
18 indicate an address?

19                   **THE WITNESS:** No, sir, it does not.

11:28:50AM 20                   **MR. VACCA:** Your Honor, I would object to that one  
21 on the grounds of relevancy, the fact that we don't know what  
22 address it comes from and we're really unclear and don't know  
23 the timeframe regarding it.

24                   **THE COURT:** Okay. Overruled. Exhibit 370 will be  
11:29:09AM 25 received.

1 How about the other ones?

2 **MR. VACCA:** No, Your Honor.

3 **THE COURT:** No objection to the other ones?

4 **MR. VACCA:** No.

11:29:19AM 5 **THE COURT:** 367, 368 and 369 will be received.

6 (WHEREUPON, Government's Exhibits 367-370 were  
7 received into evidence).

8 **BY MR. MARANGOLA:**

9 Q. If we could publish starting at 367? Investigator, with  
11:29:43AM 10 respect to 367, do you see that?

11 A. Yes, I do.

12 Q. What's the -- what is that label -- who is that label  
13 addressed to and what's the address?

14 A. Karina Lopez Del Valle, 268 Garson Avenue, Rochester, New  
11:30:04AM 15 York 14609.

16 Q. And where -- the return address, where does it state it's  
17 from?

18 A. Mayaguez, Puerto Rico.

19 Q. All right. And do you see Government's Exhibit 796 there?

11:30:35AM 20 A. Yes.

21 Q. Can you count the number of packages that are on that  
22 chart addressed to 286 Garson Avenue from Puerto Rico?

23 A. Yes, there are seven.

24 Q. Okay. And then can we go back to Government's 368? Can  
11:31:02AM 25 you tell us the -- who the package or who that label is

1 addressed to and the address?

2 A. Yes. It's addressed to Edgardo A. Rosario Alvarado, 157  
3 Depew Street, Rochester, New York. And you can't see the zip  
4 code.

11:31:24AM 5 Q. And what about where that label is from, what's the return  
6 location on that label?

7 A. Mayaguez, Puerto Rico.

8 Q. And do you see the address from that label that you  
9 removed from 292 Barrington Street on January 25th on  
11:31:51AM 10 Government's Exhibit 796, the chart of the records from Postal  
11 packages from Puerto Rico?

12 A. Yes.

13 Q. Where is it?

14 A. It's the second one from the bottom in purple.

11:32:03AM 15 Q. And what's the delivery date?

16 A. 1/22 of 2018.

17 Q. All right. And then if we could go to 369? Can you make  
18 out a portion of the who this priority mail label is addressed  
19 to?

11:32:25AM 20 A. Yes. The last name Olivencia Cruz.

21 Q. What about the address? What's visible for the address?

22 A. It says Paul Street, Apartment 1003, Rochester, New York  
23 New York 14605.

24 Q. And what's the return -- where is the return label  
11:32:54AM 25 indicate it was from?



1 A. Puerto Rico.

2 Q. All right. If we could go to 796? Can you tell us how  
3 many packages were delivered to 360 St. Paul Street  
4 Apartment 1003 that are reflected in the chart 796?

11:33:20AM 5 A. So there's four packages that are addressed to 360  
6 St. Paul Street, apartment 1003.

7 Q. And there are an additional how many that don't have an  
8 apartment number listed that just say 360 St. Paul Street?

9 A. There's four additional packages that don't have the  
11:33:37AM 10 apartment number in this.

11 Q. And, finally, if we can go back to 370? If we could try  
12 to blow up the portion underneath the tracking number? Do you  
13 see the tracking number there?

14 A. Yes.

11:33:59AM 15 Q. Do you see the last six digits?

16 A. Yes.

17 Q. I'd like you to now take a look at Government's 796. Tell  
18 us if you see the last six digits in that chart anywhere?

19 A. Yes.

11:34:29AM 20 Q. Can you circle or touch the line next to where you see  
21 those. All right, and can you tell us -- read us the  
22 tracking number for that package, the delivery date, and the  
23 location?

24 A. Yes. Tracking number is 9505 5109 7718 8020 1671 46; the  
11:35:04AM 25 date of delivery is 1/22 of '18; destination address is 286

1 Garson Avenue.

2 Q. Is that the same or different tracking number that is on  
3 Government's 370?

4 A. It's the same tracking number.

11:35:27AM 5 Q. Government's 370 was the portion of the label found during  
6 the trash pull we just showed you?

7 A. Yes.

8 Q. Okay. Now, these labels that were placed on paper and  
9 photographed, were they on boxes? Had you ripped them off  
11:35:55AM 10 when you found them?

11 A. No.

12 Q. How were they found in the trash?

13 A. They were found -- other than the white piece of paper  
14 behind them, that's how they were found. They were just the  
11:36:06AM 15 actual label themselves in the trash.

16 Q. So the label had already been ripped off of something and  
17 placed in the trash?

18 A. Yes.

19 Q. Okay. All right. Can you, Investigator, explain how the  
11:36:22AM 20 wiretap investigation progressed generally?

21 A. Yeah. So we attempt to identify the people, the  
22 co-conspirators in the case and then any locations that may be  
23 being used -- that's locations where they live, locations  
24 where drugs are being sold from, where they were being stored,  
11:36:40AM 25 where they were being packaged, and then where money was being

1 stored.

2 We also attempt to identify the vehicles, so the  
3 vehicles that they operate or the vehicles that are  
4 transporting money or drugs.

11:36:55AM 5 And then we attempt to identify the patterns of the  
6 organization to determine what they're doing, how they're  
7 doing it, from the time they get their drugs to the time they  
8 sell it on the street.

9 Q. All right. Once you identify co-conspirators, locations,  
11:37:15AM 10 vehicles and patterns of the organization, do you immediately  
11 arrest people?

12 A. No.

13 Q. Why not?

14 A. Because if we arrested people individually, then the  
11:37:26AM 15 others that are involved would -- may find out they've been  
16 arrested and evidence could be destroyed and we like to time  
17 the takedowns around the delivery of cocaine.

18 Q. All right. When you say takedown, can you explain what is  
19 a takedown?

11:37:45AM 20 A. A takedown is a coordinated effort between multiple  
21 agencies to execute a number of search warrants, collect  
22 evidence and to arrest individuals that are involved in the  
23 crimes.

24 Q. Was there a takedown for Operation Burbank Bust?

11:38:02AM 25 A. Yes.

1 Q. Can you tell us when that occurred?

2 A. Yes, it occurred on January 29th of 2018.

3 Q. Why did you choose January 29th of 2018 for the takedown?

4 A. Because it was an indication that packages were going to  
11:38:17AM 5 be delivered on January 27th from Puerto Rico to locations in  
6 Rochester being 4 Ritz Street and 15 Harwood Street.

7 So we wanted to take the investigation down at the  
8 time that the packages were delivered. So we asked Postal to  
9 hold one of the packages for us and then to do what's called a  
11:38:43AM 10 controlled delivery on the other package. And that just means  
11 that one of the law enforcement officials from the U.S. Postal  
12 Service would actually deliver the package.

13 And then we could see if the patterns were the same  
14 for the takedown as they were throughout the investigation and  
11:39:01AM 15 that just means somebody goes to pick it up and takes it to a  
16 location.

17 Q. Then what was going to be your plan after Postal conducted  
18 the controlled delivery of that second package?

19 A. We were going to follow the individual that actually  
11:39:17AM 20 picked up the package and then once they arrived at whatever  
21 their destination was we were going to execute all of the  
22 search warrants for the entire investigation.

23 Q. Why were you going to execute search warrants all at once?

24 A. Because again if you -- if you execute one search warrant  
11:39:39AM 25 or arrest one individual, then if others find out about that

1 they could destroy evidence or they could flee.

2 At the times that we would execute search warrants  
3 and they already knew about it they could attempt to arm  
4 themselves against the police that were entering the location.

11:39:55AM 5 So it's a better operation to do it all at one time.

6 Q. All right. How were you -- how did you become aware that  
7 those packages for 15 Harwood Street and 4 Ritz Street were  
8 going to be or were scheduled to be delivered from Puerto Rico  
9 to those addresses on January 27th?

11:40:15AM 10 A. Initially it was text messages over the telephones.

11 Q. When you say over the telephones, you're talking about  
12 over the telephones that were intercepted on the wiretap?

13 A. Yes.

14 Q. All right. I'd like you to take a look at your  
11:40:29AM 15 Government's Exhibit 1. Do you have that, the transcript  
16 binder in front of you?

17 A. Yes.

18 Q. Flip to 1-145. And do you see the -- what's behind that  
19 tab 1-145-655? Still getting there? 1-145.

11:41:17AM 20 A. Sorry, I was behind the wrong one.

21 Q. There are a lot of tabs.

22 A. Okay, I'm there.

23 Q. All right. Is there a transcript of a text message behind  
24 tab 1-145?

11:41:41AM 25 A. Yes.

1 Q. All right. Are your initials on that?

2 A. Yes.

3 Q. All right. And I'd like you to look at the next tab,  
4 1-146. Is that also a text message?

11:41:54AM 5 A. Yes.

6 Q. And are your initials on that?

7 A. Yes.

8 Q. Signifying that the data is accurate?

9 A. Yes.

11:41:59AM 10 **MR. MARANGOLA:** At this time I'd offer the Exhibits  
11 1-145-655 as well as 1-146-657.

12 **MR. VACCA:** Objection, Your Honor, relevancy.

13 **THE COURT:** Overruled. Exhibit 1-145-655 and  
14 1-146-657 will be received.

11:42:38AM 15 (**WHEREUPON**, Government's Exhibits 1-145-655 and  
16 1-146-657 were received into evidence.)

17 **MR. MARANGOLA:** Thank you, Your Honor. May the jury  
18 be permitted to pull out their transcript binders and flip to  
19 those tabs?

11:42:47AM 20 **THE COURT:** Yes, they can.

21 **MR. MARANGOLA:** I'm sorry, Judge, I think juror 10  
22 has a question.

23 **THE JUROR:** Which one?

24 **THE COURT:** 1-45-655. That's the first one.

11:43:33AM 25 **THE JUROR:** Thank you.

1                   **THE COURT:** 1-45-655.

2                   **BY MR. MARANGOLA:**

3                   Q.   Investigator, can you tell the jury the date and time and  
4                   target number for that text message behind tab 1-145?

11:43:58AM 5                   A.   Yes.   The date is 1/25/2018; time is 12:06 and 20 seconds  
6                   p.m.

7                   Q.   What's the target number that this text message was  
8                   intercepted over?

9                   A.   585-766-8057.

11:44:15AM 10                  Q.   And do you see that on Government's Exhibit 10?

11                  A.   Yes.

12                  Q.   What number is it listed?

13                  A.   It's the first number at the top of the list.

14                  Q.   All right.  Is the tab -- is the text message here an  
11:44:31AM 15                  incoming or outgoing?

16                  A.   It's an incoming text message to the target number.

17                  Q.   All right.  And the -- can you tell us the area code that  
18                  it's -- that texted the target telephone number?

19                  A.   Yes, 787.

11:44:48AM 20                  Q.   And is that the same or different phone number that texted  
21                  the text messages to the line that we've showed the jury  
22                  yesterday?

23                  A.   It's the same number.

24                  Q.   That's an area code from where?

11:45:03AM 25                  A.   Puerto Rico.

1 Q. Do you see the content of the text message beginning 9505?

2 A. Yes, I do.

3 Q. All right. I'd like you to take a look at that text  
4 number -- I'm sorry, the number in the text beginning 9505 and  
11:45:18AM 5 then take a look at Government's 795 and tell us if -- maybe  
6 you can clear -- if you can clear it first on your screen?

7 A. I'm sorry.

8 Q. Tell us if you see in Government's 795 the number texted  
9 to 766-8057 on January 25th?

11:45:44AM 10 A. Yes, I do.

11 Q. Can you touch on the screen where you see it?

12 A. This line here.

13 Q. All right. And that's addressed to 4 Ritz; is that  
14 correct?

11:45:56AM 15 A. Yes.

16 Q. And that package has no delivery date according to this  
17 chart; is that right?

18 A. Correct.

19 **THE COURT:** That's the last item on Exhibit 795; is  
11:46:08AM 20 that right?

21 **THE WITNESS:** Yes, Your Honor.

22 **THE COURT:** Thank you.

23 **MR. MARANGOLA:** Thank you.

24 **BY MR. MARANGOLA:**

11:46:11AM 25 Q. There's no delivery date for that package; is that



1 correct?

2 A. Correct.

3 Q. And can you tell us why not?

4 A. Yes, because we asked the U.S. Postal to seize that  
11:46:20AM 5 package after they executed a search warrant on it.

6 Q. So this was one of the text messages for packages believed  
7 to be -- initially going to be delivered on January 27th?

8 A. Yes.

9 Q. Then if you can flip to the next tab 1-146 that's in

11:46:38AM 10 evidence? And this text message was received over the same  
11 target telephone number, correct? 766-8057?

12 A. Yes.

13 Q. And it reflects an incoming text message from that same  
14 number from Puerto Rico; is that correct?

11:47:08AM 15 A. Yes.

16 Q. Do you see the content of that text message in  
17 Government's 1-146 anywhere in the Postal records chart marked  
18 Government's Exhibit 795?

19 A. Yes.

11:47:23AM 20 Q. Can you tell us where?

21 A. Yes, it's the second from the bottom in red.

22 Q. And the delivery address and delivery date for that  
23 package is what?

24 A. The delivery address is 15 Harwood Street. And the date  
11:47:44AM 25 of the delivery is 1/29 of 2018.

1 Q. And that's the date of the takedown that you testified  
2 about?

3 A. Yes.

4 Q. Was this the package that there was a controlled delivery  
5 by Postal on?

6 A. Yes.

7 Q. All right. Now, I'd like you to -- keep your hand sort of  
8 in that portion of the binder that we're just at by 1-145 and  
9 1-146, I'd like you to flip to 1-154 and 1-155. Are those  
10 text messages behind 1-154 and 1-155?

11 A. Yes.

12 Q. Are your initials on each of those transcripts indicating  
13 the accuracy of the data reflected on those transcripts?

14 A. Yes.

15 **MR. MARANGOLA:** At this time I'd offer Government's  
16 1-154-1511 and 155-1513.

17 **MR. VACCA:** Objection, Your Honor, irrelevant, lack  
18 of foundation.

19 **THE COURT:** Overruled. Exhibit 1-154-155 and  
20 1-155-1513 will be received.

21 (**WHEREUPON**, Government's Exhibits 1-154-1511 and  
22 1-155-1513 were received into evidence).

23 **MR. MARANGOLA:** If the jury could be permitted to  
24 flip to those tabs 1-154 and 1-155?

25 **THE COURT:** Yes.

1                   **MR. MARANGOLA:** May the jury be permitted --

2                   **THE COURT:** Yes, 1-154-1511.

3                   **BY MR. MARANGOLA:**

4                   Q.     Investigator, I'd like you to tell us the -- with respect  
11:50:17AM 5     to 1-154, can you tell us the date and time of that text?

6                   A.     Yes.    The date is January 25th of 2018, the time was 5:12  
7     and 22 seconds p.m..

8                   Q.     All right.   What's the target telephone that the  
9     text message behind tab 1-154 and 1-155 were intercepted over?

11:50:58AM 10     A.     585-685-4661.

11                  Q.     Do you see that target telephone number listed on  
12     Government's Exhibit 10?

13                  A.     Yes.

14                  Q.     And where is it on Government's Exhibit 10?

11:51:25AM 15     A.     It's the fourth line down, it's the first one in purple.

16                  Q.     Who is the user of that phone?

17                  A.     Leitscha Poncedeleon.

18                  Q.     Now, can you tell us the number that texted Leitscha  
19     Poncedeleon at 5:12:22 behind tab 1-154?

11:51:52AM 20                         Is that the same or different number from  
21     Puerto Rico that texted the tracking number you previously  
22     testified about to 766-8057 that's behind tabs 1-145 and  
23     1-146?

24                  A.     It's the same number.

11:52:10AM 25     Q.     Same Puerto Rico number?

1 A. Yes.

2 Q. For all four of those text messages?

3 A. Yes.

4 Q. Can you tell us is the content of the text message behind  
11:52:21AM 5 tab 145 the same or different than the content behind the  
6 text message for tab 1-154?

7 A. Well, it's the same number.

8 Q. That's the tracking number that you previously identified?

9 A. Yes.

11:52:57AM 10 Q. And then how about the content of the text message behind  
11 tab 1-146 and 1-155?

12 A. It's the same number.

13 Q. All right. And what's the time difference between the  
14 text sent from the Puerto Rico number to 766-8057 behind tab

11:53:37AM 15 1-145 and 1-146 and those same numbers texted to Leitscha  
16 Poncedeleon's line 685-4661 behind tabs 154 and 1-155? What's  
17 the time difference?

18 A. So behind 1-145 it's 12:06:20 p.m. And behind 146 it's  
19 12:07:08 p.m.

11:54:25AM 20 On 1-154 it's 5:12:22 p.m.. And behind 1-155 it's  
21 5:13:16 p.m..

22 Q. All right. So approximately five hours between those two  
23 pairs of texts?

24 A. Yes.

11:54:55AM 25 Q. So you had the same text messages intercepted over two

1 different lines on the wiretap then?

2 A. Yes.

3 Q. Approximately five hours apart?

4 A. Yes.

11:55:08AM 5 Q. From the same number from Puerto Rico?

6 A. Yes.

7 Q. All right. Now, before the takedown occurred on January  
8 29th, 2018, were any search warrants obtained?

9 A. Yes.

11:55:23AM 10 Q. Can you describe when and where or what you obtained  
11 search warrants for generally?

12 A. Yes. So I obtained six search warrants for locations and  
13 five search warrants for vehicles. So there was a search  
14 warrant for 6 Burbank Street was one of the first ones.

11:55:48AM 15 Q. All right. Did you obtain those before January 29th,  
16 2018?

17 A. Yes.

18 Q. Search warrants?

19 A. Yes.

11:55:53AM 20 Q. Who issued those search warrants?

21 A. Honorable Victoria Argento, Monroe County Court judge.

22 Q. And what type of search warrants did Judge Argento issue  
23 you in connection with the takedown of Operation Burbank Bust?

24 A. No-knock search warrants.

11:56:15AM 25 Q. All right. And let's talk specifically about first the

1 locations that you obtained search warrants to execute on  
2 January 29th. What was -- I think you mentioned one already,  
3 the location --

4 A. 6 Burbank Street.

11:56:36AM 5 Q. All right. And that's the white house on the far left in  
6 Government's Exhibit 19 shown on your screen; is that right?

7 A. Yes.

8 Q. The first house shown on the left of that photograph?

9 A. Yes.

11:56:46AM 10 Q. Investigator, are there -- I'll withdraw that.

11 You had a search warrant -- a no-knock search  
12 warrant for that location for January 29th, 2018?

13 A. Yes.

14 Q. All right. And that was the defendant's residence,  
11:57:02AM 15 correct?

16 A. Yes, it was.

17 Q. What other locations did you obtain search warrants for in  
18 preparation for the takedown on January 29th?

19 A. 292 Barrington Street, the residence of Leitscha  
11:57:16AM 20 Poncedeleon and Roberto Figueroa.

21 Q. That's shown here in Government's 70?

22 A. Yes.

23 Q. And where we saw a number of pole camera clips yesterday  
24 and today; is that right?

11:57:34AM 25 A. Yes.

1 Q. All right. You had a no-knock search warrant for that  
2 place. Where else?

3 A. 60 Malling Drive.

4 **THE COURT:** Can you spell that?

11:57:49AM 5 **THE WITNESS:** M-A-L-L-I-N-G.

6 **THE COURT:** Thank you.

7 **BY MR. MARANGOLA:**

8 Q. What's 60 Malling Drive?

9 A. Residence of Carlos Javier Figueroa's mother during the  
11:58:00AM 10 time of the investigation.

11 Q. Let me show you what's not in evidence as Government's  
12 Exhibit 99. Do you recognize what's shown in Government's  
13 Exhibit 99?

14 A. Yes, it's 60 Malling Drive.

11:58:18AM 15 Q. Does that photograph marked Government's Exhibit 99 fairly  
16 and accurately show 60 Malling as it existed during this  
17 investigation?

18 A. Yes.

19 **MR. MARANGOLA:** At this time I'd offer Government's  
11:58:29AM 20 99.

21 **MR. VACCA:** No objection, Your Honor.

22 **THE COURT:** Exhibit 99 will be received.

23 (**WHEREUPON**, Government's Exhibit 99 was received in  
24 evidence).

11:58:37AM 25 **BY MR. MARANGOLA:**

1 Q. That was the location that you obtained a no-knock search  
2 warrant for?

3 A. Yes.

4 Q. All right. What other locations did you obtain a no-knock  
11:58:52AM 5 search warrant for in preparation for the takedown?

6 A. 820 East Main Street, the location where drugs were stored  
7 and packaged and some of the members of the group would stay  
8 the night there, including Obed Torres.

9 Q. All right. You see Government's Exhibit 701?

11:59:14AM 10 A. Yes.

11 Q. Is that the location that you obtained a no-knock search  
12 warrant for one of the apartments inside that location?

13 A. Yes, that's the rear of the building and the apartment was  
14 apartment 14.

11:59:33AM 15 Q. All right. Any other locations that you obtained a  
16 no-knock search warrant for?

17 A. Yes. 15 Burbank Street, location the drugs were being  
18 sold from.

19 Q. All right. I'd like to show you what's not in evidence as  
11:59:51AM 20 Government's Exhibit 77. Do you see -- do you recognize any  
21 locations in this photograph?

22 A. Yes, 15 Burbank Street.

23 Q. Which of the houses shown in Government's Exhibit 77 is 15  
24 Burbank Street?

12:00:11PM 25 A. It's the gray house in the middle of the photograph with



1 the Puerto Rican flag in the window at the top of the  
2 residence.

3 Q. Does the house you just identified in Government's  
4 Exhibit 77 fairly and accurately show 15 Burbank as it existed  
12:00:33PM 5 during this investigation?

6 A. Yes.

7 Q. Is that one of the locations that you obtained a no-knock  
8 search warrant for in preparation for the takedown on January  
9 29th, 2018?

12:00:41PM 10 A. Yes.

11 **MR. MARANGOLA:** Offer Government's 77.

12 **MR. VACCA:** No objection, Your Honor.

13 **THE COURT:** Exhibit 77 will be received.

14 (**WHEREUPON**, Government's Exhibit 77 was received  
12:00:51PM 15 into evidence).

16 **BY MR. MARANGOLA:**

17 Q. Investigator, do you see Government's 237 on your screen?

18 A. Yes.

19 Q. Does the locations -- are the locations for the  
12:01:18PM 20 defendant's house at 6 Burbank and the drug house at 15  
21 Burbank, are they accurately reflected on Government's 237?

22 A. Yes, sir.

23 Q. So you had obtained no-knock search warrants for two  
24 locations to be executed on that same day on the same street?

12:01:38PM 25 A. Yes.

1 Q. All right. Finally, any other locations for no-knock  
2 search warrants that you obtained in preparation for the  
3 takedown?

4 A. Yes. 2519 Brighton Henrietta Townline Road, the residence  
12:01:52PM 5 of Orlando Yelder.

6 Q. That's shown here in Government's 100?

7 A. Yes.

8 Q. All right. What was your role and responsibility in  
9 connection with this takedown on January 29th, 2018?

12:02:07PM 10 A. On the day of the takedown?

11 Q. Yes.

12 A. So my responsibilities on that day were to brief all of  
13 the teams, all of the law enforcement personnel that was going  
14 to assist in the execution of the search warrants.

12:02:19PM 15 So I briefed all of the officers or agents that  
16 were going to execute those warrants. That's over 100 law  
17 enforcement officers.

18 And in the briefing I spoke about the location they  
19 were going to be going to, who should be at the locations,  
12:02:40PM 20 what were authorized in the search warrants to search for at  
21 the locations, vehicles.

22 And then let them know about any violence that may  
23 have been involved with any of the members of the group so  
24 that they were aware of that before they made entry into those  
12:02:58PM 25 locations.

1 Q. All right. Prior to the date of the takedown what were  
2 some of your responsibilities?

3 A. Well, initially once -- once the text messages came  
4 through, I made a determination along with the other agents  
12:03:17PM 5 that we were going to take this investigation down when the  
6 packages were delivered.

7 So we contacted Postal and asked for their  
8 assistance in holding one of the packages and doing a  
9 controlled delivery on the other.

12:03:31PM 10 And the packages were supposed to be delivered on  
11 the weekend on the 27th. We asked they would hold the  
12 packages until the 29th until we could prepare our teams for  
13 search warrants and the execution of the search warrants.  
14 They agreed to do that.

12:03:44PM 15 Q. Who decided what locations search warrants would be  
16 requested for?

17 A. The agents that were in charge of the investigation:  
18 Myself, Investigator Swain, and Special Agent Patrick  
19 Hoffmann.

12:04:00PM 20 Q. In addition to briefing other officers in connection with  
21 the search warrants on January 29th, 2018 what, if any,  
22 additional responsibilities did you have on that day?

23 A. So I had to write the search warrants and get the search  
24 warrants signed for particular locations. Once that happened,  
12:04:21PM 25 I coordinated the times with the U.S. Postal, what date they

1 would actually assist us with delivering the packages.

2 I then met with the other case agents and the  
3 supervisors from the Rochester Police Department, we  
4 coordinated all the teams. We got all the resources together  
12:04:42PM 5 from all the different agencies to assist in the takedown of  
6 the investigation.

7 Q. When you say teams, how are different teams organized?

8 A. So there's entry teams for every one of the search  
9 warrants. That means those are the teams that are actually  
12:04:57PM 10 going to enter the locations.

11 There's also uniform support. So uniform support  
12 again are on every one of the search warrants and they control  
13 the perimeter of the search warrants.

14 And then it's surveillance officers.

12:05:15PM 15 Then it was members of the Postal Service that were  
16 assisting us.

17 Yeah, I think that was pretty much everybody that  
18 was involved.

19 Q. All right. When you -- you mentioned earlier in  
12:05:29PM 20 describing the execution of no-knock warrants that members of  
21 the entry team often cover -- their faces are covered?

22 A. Yes.

23 Q. When officers enter or attempt to enter a residence  
24 pursuant to a no-knock warrant, are those -- are the members  
12:05:49PM 25 of the entry team different than the uniform support?

1 A. The members of the entry teams are different than uniform  
2 support, yes. The members of the entry team are dressed in  
3 what's considered raid gear: That's a large vest, they have --  
4 their faces are covered, they have -- they utilize the  
12:06:09PM 5 battering ram, they exit from the same vehicle, from a van  
6 that approaches in front of the location.

7 Uniformed officers approach a vehicle -- approach a  
8 location from their vehicles, they drive their marked patrol  
9 vehicles to the locations. At times we'll ask them to assist  
12:06:26PM 10 in blocking off streets while we're executing search warrants  
11 also.

12 Q. Do the -- are the uniform vehicles, do they proceed before  
13 the van or after the van that's going to the location to  
14 execute a no-knock search warrant?

12:06:40PM 15 A. Oftentimes they're in front of the van for two reasons.  
16 One reason is that we don't want to get in traffic. The van  
17 doesn't have emergency lights, we don't want to get caught in  
18 traffic. So if we're approaching a location, they will block  
19 traffic for us so we can pull on to the street.

12:06:56PM 20 And then oftentimes if they approach before us they  
21 can get out and position themselves around the location before  
22 entry is made into the front door.

23 Q. Are there occasions where the patrol -- the uniform  
24 support are behind the raid van?

12:07:13PM 25 A. Yes.

1 Q. Can you describe what circumstances those occur?

2 A. Yes. There's both. There's sometimes they will be in  
3 front of us and sometimes when we leave they'll be behind us.  
4 We'd rather have them in front of us, but it just depends on  
12:07:28PM 5 how it happens at the time and the search warrant is  
6 executed.

7 Whoever gets their first. If we get there before  
8 they do, sometimes they will pull up right in behind us and  
9 delay and then go up to the residence.

12:07:46PM 10 Q. All right. Did you yourself -- what did you yourself do  
11 on the day of the takedown? What were your responsibilities?

12 A. So again after briefing -- after briefing all the  
13 personnel I let everybody know where to stage their vehicles  
14 before we executed the warrants.

12:08:05PM 15 The staging areas are somewhere near where the  
16 warrants are being executed. Enough of a distance so they  
17 can't be noticed, but close enough that when a command is  
18 given to execute the search warrants it's a very short period  
19 of time before they arrive at the location and execute the  
12:08:20PM 20 search warrants.

21 Q. So --

22 A. After that briefing I spoke with the U.S. Postal Service,  
23 some of the Postal inspectors, the actual Postal inspector  
24 that was going to do the controlled delivery for us.

12:08:37PM 25 We had already decided that we wanted them to

1 deliver the package for 15 Harwood Street. So I coordinated  
2 with them the approximate time they would be delivering that  
3 package so we could have all of our teams in place at the time  
4 it was picked up.

12:08:58PM 5 Q. The package that was destined for 4 Ritz, what did you ask  
6 Postal to do in connection with that package?

7 A. I asked Postal to hold that package -- seize it and hold  
8 it and then eventually write a search warrant for it.

9 Q. All right. So the plan was for Postal to do a controlled  
12:09:19PM 10 delivery to 15 Harwood?

11 A. Yes.

12 Q. All right. That's shown here in Government's 97?

13 A. Yes, it is.

14 Q. What did you do once the controlled delivery was arranged?

12:09:43PM 15 A. After all the teams were put in place and the delivery was  
16 arranged I went out and did live surveillance at 15 Harwood.

17 Q. And you say live, you're talking about in person you went  
18 to that location?

19 A. Yes, I was on the street. I was in the area watching the  
12:09:57PM 20 location.

21 Q. All right. And were you also in communication with other  
22 officers?

23 A. Yes.

24 Q. Who were you in communication with?

12:10:05PM 25 A. Every officer that was on this takedown, every law

1 enforcement officer on the takedown.

2 Q. They would be where?

3 A. They would be at their respective locations and some would  
4 be at the wire room, but everyone was on the same channel so  
12:10:22PM 5 we could hear each other.

6 Q. Okay. Tell us what happened in connection with the  
7 controlled delivery at 15 Harwood on January 29th, 2018.

8 A. So I observed the Postal vehicle arrive at 15 Harwood, the  
9 package exit the Postal van and go into the door on the  
12:10:44PM 10 Harwood side of the building.

11 I then observed the Postal inspector leave the  
12 building and leave the location. I advised that the package  
13 had been delivered over the radio.

14 Not long after that I observed the Nissan Altima  
12:11:02PM 15 arrive and park on the street next to the building.

16 Q. When you say the Nissan Altima, what Nissan Altima are you  
17 referring to?

18 A. The Nissan Altima that Leitscha Poncedeleon drove.

19 Q. The one we previously observed in pole camera clips  
12:11:17PM 20 yesterday and today?

21 A. Yes.

22 Q. All right.

23 A. Leitscha exited her vehicle but didn't approach the  
24 residence. A male came from the residence carrying a Postal  
12:11:29PM 25 box. She opened the trunk and he placed it in the trunk and



1 went back inside.

2 Q. She went back inside what?

3 A. No. The male went back inside the location and she got  
4 back into the Nissan Altima and she left the location.

12:11:46PM 5 Q. All right. Can you tell us who the male was? Were you  
6 able to?

7 A. I wasn't able to -- I was not able to identify who he was  
8 at the time.

9 Q. Okay. What happened after the male returned to 15  
12:11:58PM 10 Harwood?

11 A. So Leitscha was parked on the street and she went around  
12 the block. The way that Harwood Street goes is it dead ends  
13 into another street and it comes around and goes to LaBurnam  
14 Crescent, comes back out to Monroe Avenue, which is the route  
12:12:17PM 15 she took.

16 Q. Why did you -- of the two packages that were scheduled to  
17 be delivered, the 4 Ritz Street and the 15 Harwood, why did  
18 you pick the 4 Ritz Street to be held instead of the 15  
19 Harwood?

12:12:35PM 20 A. Because based on the investigation the packages were  
21 going -- primarily they were going back to 292 Barrington  
22 Street, which was much closer to Harwood Avenue than it was to  
23 Ritz Street. So it wouldn't be as far to have to follow if  
24 that's ultimately where they went.

12:12:56PM 25 Q. All right. So that's why you chose to do the controlled

1 delivery to the Harwood address?

2 A. Yes.

3 Q. Okay.

4 A. It's -- it's -- it's not very far at all from 292  
12:13:05PM 5 Barrington Street.

6 Q. Okay. Tell us what happened after Leitscha Poncedeleon  
7 left in the Nissan Altima with the package.

8 A. So again she went around the block to LaBurnam Crescent  
9 and then came back out on Monroe Avenue. I was on Monroe  
12:13:24PM 10 Avenue and I attempted to time her coming out onto Monroe  
11 Avenue to get behind her.

12 Unfortunatly, traffic was heavy and she ended up  
13 coming out and getting behind my vehicle. So she was the car  
14 directly behind my vehicle.

12:13:41PM 15 So I decided to drive directly to 292 Barrington  
16 Street and her vehicle stayed behind me the entire time as I  
17 approached 292 Barrington Street.

18 As we were approaching 292 Barrington Street, I let  
19 the other teams know to prepare to actually execute the search  
12:14:00PM 20 warrants and I would give them that command once her vehicle  
21 pulled into the driveway.

22 Q. So you're pulling along Barrington Street in front of her  
23 Nissan Altima?

24 A. Yes. Her car was directly behind my car.

12:14:15PM 25 Q. What happens as you approach 292 Barrington Street with --

1 ahead of the Nissan Altima and Leitscha Poncedeleon?

2 A. So as I'm halfway down Barrington Street again I radioed  
3 to the other teams to prepare to execute their search warrants  
4 and let them know where we were and that I would give the  
12:14:37PM 5 command once she pulled into the driveway.

6 I drove past 292 Barrington Street and I observed  
7 her vehicle behind me pull into the driveway of 292 Barrington  
8 Street. It was at that time that I gave the order to execute  
9 the search warrants.

12:15:01PM 10 Q. All right. If we can, let's go to -- from Government's  
11 Exhibit 22, the pole camera compilation, USB and play from  
12 January 29th -- January 29th folder, the clip at 11:31. This  
13 reflects January 29th, 2018 at 11:31 at 292 Barrington Street;  
14 is that right, Investigator?

12:15:33PM 15 A. Yes.

16 Q. This is the takedown?

17 A. Yes.

18 Q. If you can pause it? At the time this car pulled into 292  
19 Barrington Street, where did you go?

12:15:48PM 20 A. I drove just past her driveway and I parked on the  
21 street -- on Barrington Street, so just where the house is  
22 next to hers, I parked right in front of that house on the  
23 street.

24 Q. And then she was behind you and she turned into 292  
12:16:04PM 25 Barrington Street as we see here?

1 A. I observed her through my rearview mirror pull into the  
2 driveway.

3 Q. All right. After you observed her pull in, what did you  
4 direct?

12:16:17PM 5 A. Once she made the turn into the driveway I directed  
6 everyone to execute their search warrants.

7 Q. Can you tell us what's happening here at 11:32?

8 A. Yeah, the raid van pulled in behind the Nissan Altima,  
9 officers exited the van and approached the location and other  
12:16:49PM 10 officers approached the Nissan Altima and took Leitscha  
11 Poncedeleon into custody inside the vehicle. She was the only  
12 person inside the vehicle.

13 Q. And do you see Leitscha Poncedeleon in this clip here?

14 A. Yes. She's standing at the driver's side of the Nissan  
12:17:06PM 15 Altima with uniformed officers that are securing her along the  
16 side of the vehicle.

17 Q. Are you in this clip at all?

18 A. I am now. I'm standing next to the Nissan Altima walking  
19 up towards the residence next to the Nissan Altima.

12:17:40PM 20 Q. In between the two other officers next to the Altima?

21 A. Yes. I have a black hooded sweatshirt on and jeans.

22 Q. All right. You can play it. Investigator Briganti, were  
23 you still in communication with the other officers from the  
24 other teams as the team executed the search warrant at 292  
12:18:12PM 25 Barrington Street?

1 A. Yes.

2 Q. What, if anything, happened after that clip we just saw  
3 where the team entered the house and Ms. Poncedeleon was  
4 escorted from her vehicle in handcuffs?

12:18:28PM 5 A. There's a communication by the entry officers at 6 Burbank  
6 Street that shots were fired, so it came over shots fired 6  
7 Burbank Street.

8 Q. It came over what?

9 A. It came over the police radio.

12:18:41PM 10 Q. Was that just your radio that heard that?

11 A. No, we were all on the same channel, we could all -- we  
12 were all on the same channel so -- everybody should have been  
13 on the same channel.

14 Q. Can you describe what happened after you and the other  
12:18:53PM 15 officers heard shots fired 6 Burbank over your police radios?

16 A. Yes. We requested some of our uniform support at  
17 Barrington Street go to Burbank Street and assist with that  
18 scene at Barrington -- at Burbank Street. They did, they left  
19 Barrington Street and went to Burbank Street.

12:19:17PM 20 Q. So some officers left the Barrington search warrant?

21 A. Only uniformed officers. The members of the entry team  
22 for Barrington Street remained at Barrington Street and some  
23 of the uniformed officers also.

24 Q. Why did you send some of the uniformed officers from the  
12:19:39PM 25 search at Barrington to 6 Burbank?

1 A. The indication of shots fired, I sent uniformed officers  
2 because I've been at shots fired scenes before and the street  
3 needs to be blocked off, there has to be an enormous amount of  
4 uniform support for something like that.

12:19:58PM 5 So we knew they would be looking for resources, so  
6 immediately we requested that some of our uniform support  
7 assist them, although we still had people in custody at our  
8 location and we couldn't let everybody go.

9 So we just split them up. We asked some to go and  
10 some stayed with us.

11 Q. All right. What happened after that?

12 A. After that the team went on to take photographs of the  
13 location and our search warrant continued to be conducted. At  
14 some point my attention was brought to the patrol vehicle that  
15 Leitscha Poncedeleon was in.

16 Q. What happened?

17 A. I walked over to the vehicle and she asked me if I would  
18 contact the people that -- the parents of the little girl she  
19 baby sat. During the investigation she baby sat a child in  
12:20:55PM 20 Penfield and apparently that day had dropped the child off at  
21 the YMCA in Penfield and was concerned that the child wouldn't  
22 be picked up. So she asked if she could call the parents.

23 I told her that she couldn't call, but I would call  
24 for her. And at that time she reached into her pocket and  
12:21:16PM 25 handed me a wallet type -- it was a -- it was a wallet, but

1 inside the wallet was a cell phone. It was like a wallet case  
2 for a cell phone.

3 Q. Like a flip phone or like a smart phone?

4 A. No, it was a smart phone, but it was in like a wallet  
12:21:32PM 5 container. So I asked her if she would show me their  
6 telephone numbers and how to get into the phone she did, she  
7 assisted me in actually contacting the mother first. I called  
8 the mother's phone and the mother's phone went right to  
9 voicemail.

12:21:51PM 10 Then she showed me the father's phone number. I  
11 contacted the father and I requested that he go pick up his  
12 daughter and advised him that Leitscha wouldn't be able to do  
13 that today.

14 Q. All right. If we can play the January 29th at 11:41?  
12:22:30PM 15 Investigator Briganti -- if you can pause it here -- can you  
16 tell us what you saw here?

17 A. Yes.

18 Q. What's going on here -- I'm sorry, what was happening here  
19 was my question.

12:22:41PM 20 A. So that was me coming into the screen talking on Leitscha  
21 Poncedeleon's cellular telephone, I'm talking to the young  
22 child's father asking him to pick her up.

23 This is Investigator Myron Moses.

24 Q. When you say this, can you touch the screen to show who  
12:23:03PM 25 is -- who is who?

1 A. I'm sorry. The person at the back of the Nissan Altima is  
2 Investigator Myron Moses and he's taking photographs of the  
3 interior of the Nissan Altima and the contents of the trunk.

4 Q. And was Investigator Moses assigned any particular role  
5 with respect to the execution of the search warrant at 292  
6 Barrington Street?

7 A. Yes, he was the evidence custodian. So he would  
8 collect -- he would photograph and collect any evidence  
9 located inside.

10 Q. All right. If you can clear your screen for us, please,  
11 and then we'll keep playing this clip. All right, after you  
12 talked to the father of the child at Leitscha Poncedeleon's  
13 request over her cell phone, what did you do with it?

14 A. I brought it inside 292 Barrington Street and gave it to  
15 Investigator Moses to photograph and collect.

16 Q. All right. Was that phone collected as evidence?

17 A. Yes, it was.

18 Q. All right. If I can show you -- Judge, may I approach the  
19 witness?

20 **THE COURT:** Yes.

21 **MR. MARANGOLA:** Thank you.

22 **BY MR. MARANGOLA:**

23 Q. Investigator, I just handed you a evidence bag. Do you  
24 see that?

25 A. Yes.



1 Q. Do you see Exhibit 672 in that bag?

2 A. Yes.

3 Q. And what is marked as Exhibit 672?

4 A. It's the cell phone, Samsung cell phone that Leitscha  
12:25:32PM 5 Poncedeleon had, it's the one that I talked to the child's  
6 parents on.

7 Q. You recognize it as the same phone?

8 A. Yes.

9 Q. And was that phone secured by Investigator Moses and taken  
12:25:44PM 10 into custody?

11 A. Yes.

12 Q. Can you tell us what the phone number of that phone is?

13 A. Yes. 685-4661.

14 Q. That's the phone that you were holding on the video clip  
12:26:04PM 15 we just saw?

16 A. Yes.

17 Q. All right. Does that appear to be in the same condition  
18 other than there being an exhibit sticker on it now and it not  
19 being in a wallet anymore?

12:26:13PM 20 A. Yes.

21 **MR. MARANGOLA:** At this time I offer Government's  
22 672.

23 **MR. VACCA:** Objection, Your Honor.

24 **THE COURT:** Overruled. Exhibit 672 will be  
12:26:20PM 25 received.

1 (WHEREUPON, Government's Exhibit 672 was received  
2 into evidence).

3 BY MR. MARANGOLA:

4 Q. Investigator, do you see the phone number for Government's  
12:26:37PM 5 672 on Government Exhibit 10 here?

6 A. Yes.

7 Q. What number from the top is it?

8 A. It's the fourth line down from the top, it's the first one  
9 in purple.

12:26:50PM 10 Q. And was that the same phone number that you intercepted  
11 the incoming text messages from Puerto Rico with the tracking  
12 numbers you testified about earlier?

13 A. Yes.

14 Q. And that was handed to you by Leitscha Poncedeleon?

12:27:06PM 15 A. Yes.

16 Q. All right. Investigator, you mentioned that when  
17 Ms. Poncedeleon handed you that phone it was in some type of  
18 wallet case; is that right?

19 A. Yes.

12:27:27PM 20 Q. And is that wallet case in the evidence bag as well?

21 A. Yes, it is.

22 Q. At some point did you search the wallet that Government's  
23 672, that phone was in? Did you search that wallet?

24 A. Yes.

12:27:41PM 25 Q. When did you search that wallet?

1 A. In the days after the search warrants, so on the days  
2 after January 29th.

3 Q. What, if anything, did you find in searching the wallet  
4 from which that cell phone was taken?

12:28:00PM 5 A. So two pieces of paper in the wallet. One was a piece of  
6 paper with a number of tracking numbers on it and next to each  
7 of tracking numbers there was initials. And then there was a  
8 receipt from RG&E for services at 15 Burbank Street during the  
9 month of January of 2018.

12:28:25PM 10 Q. All right. I'd ask you to open that property bag there  
11 and tell us are either of those two pieces of paper that you  
12 just mentioned in there and are they marked?

13 A. Yes.

14 Q. First with respect to the paper with the U.S. Postal  
12:28:53PM 15 tracking numbers on it, what's the exhibit number for that?

16 A. That's 672A.

17 Q. Is Government's 672A the piece of paper you removed from  
18 Leitscha Poncedeleon's phone wallet?

19 A. Yes.

12:29:09PM 20 Q. Does it appear to be in the same condition as at the time  
21 you removed it other than having the exhibit sticker on it?

22 A. Yes.

23 Q. And then what's the other item marked?

24 A. The other item is Exhibit 672B. And that's a receipt from  
12:29:28PM 25 RG&E for service s at 15 Burbank Street during the month of

1 January of 2018.

2 Q. And is that receipt Government's 672B, is that in the same  
3 condition as when -- well, first, is that the actual receipt  
4 that you removed from her wallet?

12:29:49PM 5 A. Yes, it is.

6 Q. And other than the exhibit sticker being on there is it in  
7 the same condition as when you removed it from her wallet?

8 A. Yes.

9 **MR. MARANGOLA:** At this time I'd offer Government's  
10 672A and 672B.

11 **MR. VACCA:** Objection, Your Honor.

12 **THE COURT:** Exhibit 672A and 672B will be received.

13 (**WHEREUPON**, Government's Exhibit 672A and 672B were  
14 received into evidence).

12:30:14PM 15 **MR. MARANGOLA:** Judge, if I could take those pieces  
16 of paper and place them on the lectern to display for the  
17 jury?

18 **THE COURT:** Yes.

19 **MR. MARANGOLA:** Thank you.

12:30:29PM 20 **BY MR. MARANGOLA:**

21 Q. Investigator, do you see on your screen Government's 672A?

22 A. Yes.

23 Q. All right. So do you recognize those tracking numbers --  
24 any of those tracking numbers on there?

12:31:11PM 25 A. Yes.

1 Q. All right. Are some of those numbers on Government's --  
2 I'm sorry, 796 --

3 **MR. MARANGOLA:** -- Ms. Rand, can we flip to our  
4 trial computer?

12:31:26PM 5 **THE CLERK:** Yes, sorry.

6 **MR. MARANGOLA:** Thank you. Can we split the screen?

7 **THE COURT:** I'm sorry?

8 **MR. MARANGOLA:** Do you know can we split the screen?

9 **THE CLERK:** Yes, I do know. No, we cannot.

12:31:45PM 10 **MR. MARANGOLA:** Okay.

11 **BY MR. MARANGOLA:**

12 Q. Maybe an easier way to do it is, Investigator Briganti, I  
13 think you still have the hard copy, the binder of photographs.  
14 Do you have it up there? It might be on the ground.

12:32:01PM 15 A. It's here, yes.

16 Q. Can you pull it out? I know I told you I probably  
17 wouldn't show you again, but I'm sorry. Can you flip to 672A?  
18 I'm sorry, 796, the chart. May not be able to flip them all  
19 at the same time. 796.

12:33:48PM 20 A. Okay.

21 Q. Do you have the chart there on your monitor? I'm sorry,  
22 do you have the chart in the hard copy?

23 A. I have the chart in the hard copy, yes.

24 Q. And on your monitor there do you have the piece of paper  
12:34:00PM 25 from Ms. Poncedeleon's wallet marked Government's 672A?

1 A. Yes, sir.

2 Q. All right. Can you tell us starting with the top tracking  
3 number, do you see that tracking number on the Postal chart  
4 marked Government's 796?

12:34:18PM 5 A. Yes.

6 Q. What's the delivery date of the top package that's  
7 contained on the tracking number on 672A?

8 A. January 2nd of 2018.

9 Q. What about the next tracking number on Government's  
12:34:38PM 10 672A -- I'm sorry, let's go back to the first one. First one,  
11 what's the address?

12 A. 4 Ritz Street.

13 Q. And who lived at 4 Ritz Street?

14 A. Mickael Grant also known as CJ.

12:34:52PM 15 Q. What are the initials next to that tracking number?

16 A. CJ.

17 Q. Let's go to the next package listed on Government's 672A.  
18 Do you see that on the Postal chart marked Government's 796?

19 A. Yes.

12:35:07PM 20 Q. Where is it?

21 A. It's --

22 Q. Sorry, what's the address and the delivery date?

23 A. The delivery date is 1 -- January 2nd, 2018. And the  
24 address is 282 Rosedale.

12:35:25PM 25 Q. All right. And on the second -- on the second tracking

1 number on Government's 672A, what are the handwritten letters  
2 next to the tracking number?

3 A. ANT.

4 Q. Okay. Let's go to the third tracking number on

12:35:41PM 5 Government's 672A. Do you see that on the Postal chart?

6 A. Yes, I do.

7 Q. And what's the delivery date and address for that package?

8 A. January 5th, 2018.

9 Q. What's the address?

12:36:00PM 10 A. 286 Garson Avenue.

11 Q. And who lived at 286 Garson Avenue?

12 A. Karina Lopez Del Valle.

13 Q. What are the initials next to the tracking number on 672A?

14 A. It appears to be KNA.

12:36:18PM 15 Q. All right. Let's go to the tracking number below that

16 one. Is that on the Postal records chart marked 796?

17 A. Yes.

18 Q. What's the delivery date and address for that package?

19 A. January 19th, 2018. 59 Fernwood Avenue.

12:36:46PM 20 Q. What are the initials next to the tracking number on

21 Government's 672A?

22 A. ING.

23 Q. Who lived at 59 Fernwood Avenue?

24 A. Ingrid Mercado.

12:36:56PM 25 Q. Let's go to the next tracking number on 672A. Do you see

1 that on the Postal records chart?

2 A. Yes, sir.

3 Q. And what's the date of delivery and address for that  
4 package?

12:37:10PM 5 A. January 20th, 2018. And what's the delivery address?

6 A. 59 Fernwood Avenue.

7 Q. What are the initials on 672A next to that tracking  
8 package?

9 A. ING.

12:37:26PM 10 Q. Let's go to the next tracking number. Do you see that on  
11 Government's 796?

12 A. Yes, sir.

13 Q. What's the delivery date and address for that tracking  
14 number?

12:37:45PM 15 A. January 22nd, 2018. 286 Garson Avenue.

16 Q. What are the initials next to that tracking number on  
17 672A?

18 A. KNA.

19 Q. And who lived there at 286 Garson?

12:38:03PM 20 A. Karina Lopez.

21 Q. Let's go to the next tracking number on 672A. Is that on  
22 Postal chart marked Government's 796?

23 A. Yes.

24 Q. What's the delivery date and address for that package?

12:38:20PM 25 A. January 22nd, 2018.



1 Q. What's the delivery address?

2 A. 157 Depew Street.

3 Q. All right. Are there initials next to that tracking  
4 number?

12:38:34PM 5 A. No.

6 Q. Let's go to the one below it. Is that tracking number on  
7 the Postal records chart marked Government's 796?

8 A. Yes.

9 Q. What's the delivery date and address for that tracking  
10 number?

11 A. January 22nd, 2018.

12 Q. Go ahead, I was going to ask the address.

13 A. 360 St. Paul Street.

14 Q. And who lived there?

12:39:02PM 15 A. Jose Olivencia also known as Bacalao Tito.

16 Q. Let's go to the tracking number below that. Is that on  
17 the Postal records chart marked Government's 796?

18 A. Yes.

19 Q. And what's the address and delivery date for that package?

12:39:28PM 20 A. So there is no delivery date, but the address is 4 Ritz  
21 Street.

22 Q. All right. That was the package that was held by Postal?

23 A. Yes.

24 Q. What are the initials next to that tracking number on  
12:39:44PM 25 Government's 672A?

1 A. CJ.

2 Q. And who lived at 4 Ritz Street during the wiretap  
3 investigation?

4 A. Mickael Grant also known as CJ.

12:39:54PM 5 Q. And, finally, the last tracking number on Government's  
6 672A, is that on the Postal records chart marked 796?

7 A. Yes.

8 Q. What's the delivery date and address for that package?

9 A. January 29th, 2018. 15 Harwood Street.

12:40:12PM 10 Q. Who lived at that address during the wiretap  
11 investigation?

12 A. Anthony Williams.

13 Q. And what are the initials next to that tracking number?

14 A. ANT.

12:40:23PM 15 Q. So how many total packages are there listed on  
16 Government's 672A?

17 A. Appears to be ten.

18 Q. And every single one of those was also on the Postal  
19 records chart marked Government's 796?

12:40:40PM 20 A. Yes.

21 Q. All right.

22 **MR. MARANGOLA:** Paula, can you flip the monitor for  
23 us so we can put --

24 **THE CLERK:** Back to you?

12:40:58PM 25 **MR. MARANGOLA:** Yeah, back to us. Thanks.

1 **BY MR. MARANGOLA:**

2 Q. Investigator, do you see Government's 26?

3 A. Yes, I do.

4 Q. Are any of the initials or names that you just saw listed  
12:41:08PM 5 on 672A, the handwritten piece of paper with tracking numbers  
6 and initials, are any of those individuals listed on  
7 Government's Exhibit 26?

8 A. Yes.

9 Q. Can you identify where they are first? Generally where  
12:41:23PM 10 are they on this photo?

11 A. They're in the last row of the photo. So the bottom.

12 Q. The bottom row?

13 A. Yes.

14 Q. And can you point them out for us?

12:41:33PM 15 A. Yes. So from the left is Karina Lopez. Next to her  
16 photograph is Ingrid Mercado. Next to Ingrid Mercado's  
17 photograph is Anthony Williams. Next to Anthony Williams'  
18 photograph is Mickael Grant also known as CJ. And next to  
19 Mickael Grant's photograph is Jose Olivencia also known as  
12:42:04PM 20 Bacalao Tito.

21 **MR. MARANGOLA:** Judge, I can keep going into another  
22 section unless the Court wishes to stop. I'm fine either way.

23 **THE COURT:** Sidebar.

24 (**WHEREUPON**, a discussion was held at side bar out  
12:42:20PM 25 of the hearing of the jury.)

1                   **THE COURT:** I thought this might be a good time to  
2 break for the weekend. Any objection to that?

3                   **MR. MARANGOLA:** No.

4                   **MR. VACCA:** No.

12:42:40PM 5                   **THE COURT:** Okay, thank you.

6                   (WHEREUPON, end of side bar discussion.)

7                   **THE COURT:** Ladies and gentlemen, at this point I  
8 think we're going to recess for the weekend, give you a little  
9 break. We went a long session this last time, therefore, I  
10 think it would be appropriate to break until Monday at 8:30.

11                   You've heard a lot of evidence over this week.  
12 It's not the time to make up your mind. It's clearly not the  
13 time to discuss the matter with anybody or allow anybody to  
14 discuss the matter with you. That would be wholly  
15 inappropriate.

16                   We certainly appreciate the attention to this case  
17 you've given. I know some of the testimony has dragged on a  
18 little bit, but it's important to get the details, but you've  
19 paid attention. We appreciate that.

12:43:27PM 20                   So with that understanding the jury may step down  
21 until Monday 8:30 a.m. Have a great weekend and, again,  
22 please do not discuss the matter or allow anybody to discuss  
23 the matter with you. You may step down.

24                   (WHEREUPON, the jury was excused).

12:43:47PM 25                   **THE COURT:** You may step down.

1                   **THE WITNESS:** Thank you.

2                   (**WHEREUPON**, the witness stepped down).

3                   **THE COURT:** Anything before we recess?

4                   **MR. VACCA:** No, Your Honor.

12:44:25PM 5                   **MR. MARANGOLA:** No, thank you, Judge.

6                   **THE COURT:** Thank you. Have a good weekend.

7                   **MR. MARANGOLA:** Have a good weekend.

8                   (**WHEREUPON**, proceedings adjourned at 12:44 p.m.)

9   \*       \*       \*

10   **CERTIFICATE OF REPORTER**

11

12                   In accordance with 28, U.S.C., 753(b), I certify that  
13 these original notes are a true and correct record of  
14 proceedings in the United States District Court for the  
15 Western District of New York before the Honorable Frank P.  
16 Geraci, Jr. on April 30th, 2021.

17

18                   S/ Christi A. Macri

19                   Christi A. Macri, FAPR-RMR-CRR-CSR(CA/NY)  
20                   Official Court Reporter

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